

HOUSE BILL 978

A1

3lr2438

By: **Delegate Barkley**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 17, 2013

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Winery Off-Site Permit and Wine Festival Permit**

3 FOR the purpose of requiring the Office of the Comptroller to collect a fee for a winery
4 off-site permit and a wine festival permit; repealing provisions that provide for
5 a winery special event permit and a related fee; repealing provisions that
6 provide for a farmer's market permit; establishing a winery off-site permit to be
7 issued by the Office of the Comptroller; authorizing the Office of the
8 Comptroller to issue a winery off-site permit to certain persons who meet
9 certain requirements; authorizing a winery off-site permit holder to provide and
10 sell wine for certain purposes under certain circumstances; requiring a winery
11 off-site permit holder to have a certain agent present ~~during a certain event~~
12 while selling wine or providing samples at a farmers' market; specifying certain
13 events in which a winery off-site permit may be used; specifying the term of a
14 winery off-site permit; requiring an applicant for a winery off-site permit to
15 submit a certain application form developed by the Office of the Comptroller
16 and pay a certain fee to obtain a permit; requiring a winery off-site permit
17 holder to notify the Office of the Comptroller within a certain period of time of
18 its intention to attend an off-site event; authorizing the Office of the
19 Comptroller to adopt regulations to require a winery off-site permit holder to
20 notify a certain board of license commissioners of its intention to attend an
21 off-site event; specifying a certain winery off-site permit fee; establishing a
22 wine festival permit to be issued by the Office of the Comptroller; authorizing
23 the Office of the Comptroller to issue a wine festival permit to certain persons
24 who meet certain requirements, provided that the wine festival will occur over a
25 certain period of time; authorizing a wine festival permit holder to purchase

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 wine at wholesale to provide and sell wine for certain purposes under certain
 2 circumstances; requiring a wine festival permit holder to provide space at the
 3 wine festival for holders of winery off-site permits; authorizing a winery off-site
 4 permit holder to provide and sell wine in the same manner as a wine festival
 5 permit holder, under certain circumstances; requiring a wine festival permit
 6 holder to have certain agents present during a certain event; ~~requiring a certain~~
 7 ~~holder of a winery off-site permit to have a certain agent present during a~~
 8 ~~certain event~~; requiring an applicant for a wine festival permit to submit a
 9 certain application form developed by the Office of the Comptroller within a
 10 certain period of time before the proposed event and pay a certain fee to obtain a
 11 permit; specifying the contents of an application for a wine festival permit;
 12 requiring a wine festival permit holder to provide the Office of the Comptroller
 13 with a list of winery off-site permit holders that will attend a certain wine
 14 festival within a certain period of time before the event; establishing certain
 15 limits on the attendance at a certain number of events each calendar year by a
 16 winery off-site permit holder; making conforming changes; and generally
 17 relating to winery off-site permits and wine festival permits.

18 BY repealing and reenacting, with amendments,
 19 Article 2B – Alcoholic Beverages
 20 Section 2–101(b)(1), (v), (w), and (y) and 7.5–101(b)
 21 Annotated Code of Maryland
 22 (2011 Replacement Volume and 2012 Supplement)

23 BY repealing
 24 Article 2B – Alcoholic Beverages
 25 Section 2–101(b)(11), (u), and (x)
 26 Annotated Code of Maryland
 27 (2011 Replacement Volume and 2012 Supplement)

28 BY adding to
 29 Article 2B – Alcoholic Beverages
 30 Section 2–102 ~~and 2–103~~, 2–103, and 2–104
 31 Annotated Code of Maryland
 32 (2011 Replacement Volume and 2012 Supplement)

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

35 **Article 2B – Alcoholic Beverages**

36 2–101.

37 (b) (1) (i) The Office of the Comptroller shall collect a fee for the
 38 issuance or renewal of the following permits:

1 1. \$50 for a solicitor's permit, an individual storage
2 permit, a nonresident winery permit, or a commercial nonbeverage permit;

3 2. \$75 for a public storage permit, a public
4 transportation permit, or an import and export permit;

5 3. \$200 for a public storage and transportation permit, a
6 nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;

7 4. \$400 for a family beer and wine facility permit;

8 5. \$200 for issuance or renewal of a direct wine shipper's
9 permit; [and]

10 6. \$100 for a common carrier permit;

11 7. **\$100 FOR A WINERY OFF-SITE PERMIT; AND**

12 8. **\$100 FOR A WINE FESTIVAL PERMIT.**

13 (ii) The Office of the Comptroller shall issue a nonbeverage
14 permit without the payment of any fee for an eleemosynary or a fuel-alcohol
15 permittee.

16 [(11) The fee for a winery special event permit is \$25 per event.]

17 [(u) (1) The Office of the Comptroller may issue a winery special event
18 permit to a licensed Class 4 Maryland limited winery, provided that:

19 (i) Except as provided in paragraphs (6), (7), (8), (9), (10), (11),
20 (12), (13), and (14) of this subsection, no more than 12 winery special event permits
21 are issued to the Class 4 Maryland limited winery in any given calendar year;

22 (ii) The permit does not exceed 3 consecutive days; and

23 (iii) Except as provided in paragraphs (6), (7), (8), (9), (10), (11),
24 (12), (13), and (14) of this subsection, no more than three winery special event permits
25 are issued in any calendar year to any given limited winery for use in the same
26 political subdivision.

27 (2) In addition to the winery special event permit under paragraph (1)
28 of this subsection, the Office of the Comptroller may issue a winery special event
29 permit to a licensed Class 4 Maryland limited winery for use during the entire length
30 of the Montgomery County Agricultural Fair.

1 (3) The winery special event permit may only be issued for an event
2 which:

3 (i) Has as its major purpose an activity other than the sale and
4 promotion of alcoholic beverages and for which the participation of the winery is a
5 subordinate activity;

6 (ii) Is approved by the Department of Agriculture and the Office
7 of the Comptroller; and

8 (iii) Is held on a nonlicensed premises or a premises on which a
9 person may obtain a temporary alcoholic beverages license.

10 (4) A winery special event permit shall authorize the holder to:

11 (i) Provide samples not to exceed 1 fluid ounce per brand to
12 consumers;

13 (ii) Sell not more than four 750 ml bottles of wine to a consumer
14 at any given event or festival for off-premises consumption; and

15 (iii) Sell by the glass wine produced by the licensee to persons
16 participating in any event or festival and for on-premises consumption.

17 (5) The winery special event permit application shall be filed with the
18 Office of the Comptroller not less than 15 days prior to any event.

19 (6) A Class 4 Maryland limited winery in Calvert County may be
20 issued a winery special event permit for unlimited use for one night each week from
21 June through November at the North Beach Friday Night Farmers' Market.

22 (7) (i) In addition to the winery special event permits that may be
23 issued under paragraph (1)(i) and (iii) of this subsection, a Class 4 Maryland limited
24 winery may be issued not more than 12 winery special event permits for use at
25 farmers' markets in Prince George's County that are listed on the Farmers' Market
26 Directory of the Maryland Department of Agriculture.

27 (ii) If a winery special event permit is issued under this
28 paragraph:

29 1. The holder of the permit may not sell wine by the
30 glass; and

31 2. The farmers' market administrator or the
32 administrator's designee and the holder of the permit or the holder's designee shall be:

1 A. Certified by an alcohol awareness program approved
2 by the Comptroller; and

3 B. Present during the hours when wine may be sold.

4 (8) (i) In addition to the winery special event permits that may be
5 issued under paragraph (1)(i) and (iii) of this subsection, a Class 4 Maryland limited
6 winery may be issued not more than 12 winery special event permits for use at
7 farmers' markets in Montgomery County that are listed on the Farmers' Market
8 Directory of the Maryland Department of Agriculture.

9 (ii) If a winery special event permit is issued under this
10 paragraph:

11 1. The holder of the permit may not sell wine by the
12 glass; and

13 2. The farmers' market administrator or the
14 administrator's designee and the holder of the permit or the holder's designee shall be:

15 A. Certified by an alcohol awareness program approved
16 by the Comptroller; and

17 B. Present during the hours when wine may be sold.

18 (9) (i) In addition to the winery special event permits that may be
19 issued under paragraph (1)(i) and (iii) of this subsection, a Class 4 Maryland limited
20 winery may be issued not more than 12 winery special event permits for use at
21 farmers' markets in Frederick County that are listed on the Farmers' Market
22 Directory of the Maryland Department of Agriculture.

23 (ii) If a winery special event permit is issued under this
24 paragraph:

25 1. The holder of the permit may not sell wine by the
26 glass; and

27 2. The farmers' market administrator or the
28 administrator's designee and the holder of the permit or the holder's designee shall be:

29 A. Certified by an alcohol awareness program approved
30 by the Comptroller; and

31 B. Present during the hours when wine may be sold.

32 (10) (i) 1. In addition to the winery special event permits that
33 may be issued under paragraph (1)(i) and (iii) of this subsection and subject to

1 subsubparagraph 2 of this subparagraph, a Class 4 Maryland limited winery may be
2 issued not more than 12 winery special event permits for use at farmers' markets in
3 Baltimore County that are listed on the Farmers' Market Directory of the Maryland
4 Department of Agriculture.

5 2. A Class 4 Maryland limited winery may use not more
6 than six winery special event permits at the same farmers' market in Baltimore
7 County in a year.

8 (ii) If a winery special event permit is issued under this
9 paragraph:

10 1. The holder of the permit may not sell wine by the
11 glass; and

12 2. The farmers' market administrator or the
13 administrator's designee and the holder of the permit or the holder's designee shall be:

14 A. Certified by an alcohol awareness program approved
15 by the Comptroller; and

16 B. Present during the hours when wine may be sold.

17 (11) (i) In addition to the winery special event permits that may be
18 issued under paragraph (1)(i) and (iii) of this subsection, a Class 4 Maryland limited
19 winery may be issued not more than 12 winery special event permits for use at
20 farmers' markets in Carroll County that are listed on the Farmers' Market Directory
21 of the Maryland Department of Agriculture.

22 (ii) If a winery special event permit is issued under this
23 paragraph:

24 1. The holder of the permit may not sell wine by the
25 glass; and

26 2. The farmers' market administrator or the
27 administrator's designee and the holder of the permit or the holder's designee shall be:

28 A. Certified by an alcohol awareness program approved
29 by the Comptroller; and

30 B. Present during the hours when wine may be sold.

31 (12) In addition to the winery special event permits that may be issued
32 under paragraph (1)(i) and (iii) of this subsection, a Class 4 Maryland limited winery
33 may be issued a winery special event permit for unlimited use for 1 day each week at a

1 farmers' market in St. Mary's County that is listed on the Farmers' Market Directory
2 of the Maryland Department of Agriculture.

3 (13) In addition to the winery special event permits that may be issued
4 under paragraph (1)(i) and (iii) of this subsection, a Class 4 Maryland limited winery
5 may be issued a winery special event permit for unlimited use for 1 day each week at a
6 farmers' market in Dorchester County that is listed on the Farmers' Market Directory
7 of the Maryland Department of Agriculture.

8 (14) In addition to the winery special event permits that may be issued
9 under paragraph (1)(i) and (iii) of this subsection, a Class 4 Maryland limited winery
10 may be issued a winery special event permit for unlimited use for 1 day each week at a
11 farmers' market in Charles County that is listed on the Farmers' Market Directory of
12 the Maryland Department of Agriculture.]

13 **[(v)] (U)** (1) The Office of the Comptroller may issue a nonresident
14 winery permit to a person that:

15 (i) Is licensed outside of the State to engage in the manufacture
16 of wine;

17 (ii) Produces not more than 27,500 gallons of its own wine
18 annually; and

19 (iii) Does not hold a nonresident dealer's permit.

20 (2) A holder of a nonresident winery permit may sell and deliver its
21 own wine from a location outside of the State to a retail licensee or permit holder in
22 the State authorized to acquire the wine.

23 (3) A nonresident winery permit holder shall comply with all of the
24 requirements of this article, the Tax – General Article, and the regulations of the
25 Office of the Comptroller that apply to a holder of a Class 6 limited wine wholesaler's
26 license.

27 **[(w)] (V)** (1) Subject to paragraph (2) of this subsection, the Comptroller
28 may issue a resident dealer's permit to:

29 (i) An importer of beer, wine, or distilled spirits produced
30 outside the United States who purchases directly from the brand owner or from a sales
31 agent of a brewer, distiller, rectifier, bottler, manufacturer, vintner, or winery, who is
32 authorized by the brand owner to sell in the State, and who has provided proof of this
33 sales agency relationship to the Comptroller; or

34 (ii) An American sales agent of an importer under
35 subparagraph (i) of this paragraph, providing proof of that agency is presented to the
36 Comptroller.

1 (2) To be issued a resident dealer's permit, an individual applicant, an
2 applicant qualifying as a resident applicant for a corporation, or each applicant for a
3 partnership shall have been a resident of the State for at least 2 years immediately
4 before applying for the permit.

5 (3) A resident dealer's permit may not be issued to a person who:

6 (i) Holds a wholesaler or retailer license of any class issued
7 under this article;

8 (ii) Has an interest in a wholesaler licensed under this article,
9 other than a disclosed legal, equity, or security interest of a malt beverage wholesaler;
10 or

11 (iii) Has an interest in a retailer licensed under this article.

12 (4) A resident dealer's permit authorizes the holder to sell alcoholic
13 beverages to a wholesaler licensed under this article in the State or to a person outside
14 of the State who the Comptroller authorizes to acquire the alcoholic beverages.

15 (5) A holder of a resident dealer's permit may not own or operate a
16 warehouse in the State.

17 [(x) (1) In this subsection, "permit" means a farmer's market permit.

18 (2) There is a farmer's market permit.

19 (3) The Comptroller may issue the permit to a holder of a license:

20 (i) Other than a Class 4 limited winery license, that allows the
21 holder to sell alcoholic beverages to the public for consumption off the licensed
22 premises; and

23 (ii) That was issued by the local licensing board of the
24 jurisdiction in which the farmer's market will be held.

25 (4) The holder of a permit shall notify the local licensing board of the
26 jurisdiction in which the farmer's market will be held that the permit has been issued.

27 (5) (i) A permit may be used only:

28 1. At a farmer's market that is listed in the farmer's
29 market directory of the Maryland Department of Agriculture;

30 2. At the farmer's market named in the permit; and

1 3. During the hours of operation of the farmer's market
2 for which it is obtained.

3 (ii) The Comptroller may issue not more than one permit for use
4 at each farmer's market.

5 (6) A permit authorizes the holder to:

6 (i) Occupy stall space at a farmer's market; and

7 (ii) Subject to paragraph (7) of this subsection:

8 1. Offer and sell sealed containers of wine to consumers
9 for consumption off the licensed premises of the farmer's market; and

10 2. Provide at no charge samples of wine not to exceed 1
11 fluid ounce per brand to consumers for consumption on the licensed premises of the
12 farmer's market.

13 (7) All wine offered for sale or samplings by the permit holder shall be
14 the product of a Class 4 limited winery.]

15 [(y)] (W) (1) The Office of the Comptroller may issue a common carrier
16 permit to a person who meets the definition of a "common carrier" under § 7.5-101 of
17 this article.

18 (2) The holder of a common carrier permit may deliver wine from a
19 location inside or outside the State to a consumer in the State for the consumer's
20 personal use under Title 7.5 of this article.

21 (3) The holder of a common carrier permit that delivers wine solely
22 under Title 7.5 of this article may not be required to obtain a transportation permit
23 issued under subsection (g) of this section in addition to the common carrier permit.

24 **2-102.**

25 **(A) THERE IS A WINERY OFF-SITE PERMIT.**

26 **(B) THE OFFICE OF THE COMPTROLLER MAY ISSUE THE PERMIT TO A**
27 **CLASS 4 LIMITED WINERY THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

28 **(C) DURING AN EVENT LISTED IN SUBSECTION (E) OF THIS SECTION,**
29 **THE PERMIT HOLDER MAY:**

1 (1) PROVIDE TO A CONSUMER A SAMPLE THAT HAS BEEN
 2 PRODUCED BY THE PERMIT HOLDER AND THAT MAY NOT EXCEED 1 FLUID
 3 OUNCE FOR EACH BRAND;

4 (2) SELL TO A CONSUMER WINE ~~IN SEALED CONTAINERS~~ THAT
 5 HAS BEEN PRODUCED BY THE PERMIT HOLDER FOR OFF-PREMISES
 6 CONSUMPTION; AND

7 (3) EXCEPT FOR FARMERS' MARKETS LISTED IN SUBSECTION (E)
 8 OF THIS SECTION, SELL TO A CONSUMER WINE ~~BY THE GLASS~~ THAT IS
 9 PRODUCED BY THE PERMIT HOLDER FOR ~~ON-PREMISES~~ ON- AND
 10 OFF-PREMISES CONSUMPTION.

11 (D) WHILE SELLING WINE OR PROVIDING SAMPLES AT ~~AN EVENT~~
 12 ~~LISTED~~ A FARMERS' MARKET AS PROVIDED IN SUBSECTION ~~(E)~~ (E)(4) OF THIS
 13 SECTION, A PERMIT HOLDER SHALL HAVE AN AGENT PRESENT WHO IS
 14 CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

15 (E) THE WINERY OFFSITE PERMIT MAY BE USED ONLY:

16 (1) DURING THE MONTGOMERY COUNTY AGRICULTURAL FAIR;

17 (2) 1 NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT
 18 THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;

19 (3) AT AN EVENT THAT HAS AS ITS MAJOR PURPOSE AN ACTIVITY:

20 (I) THAT IS OTHER THAN THE SALE AND PROMOTION OF
 21 ALCOHOLIC BEVERAGES; AND

22 (II) FOR WHICH THE PARTICIPATION OF A WINERY IS A
 23 SUBORDINATE ACTIVITY;

24 (4) AT FARMERS' MARKETS THAT ARE:

25 ~~(I) LISTED~~ LISTED ON THE FARMERS' MARKET
 26 DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE; ~~AND~~

27 ~~(II) LOCATED IN BALTIMORE COUNTY, CARROLL COUNTY,~~
 28 ~~FREDERICK COUNTY, MONTGOMERY COUNTY, OR PRINCE GEORGE'S COUNTY;~~
 29 AND

30 (5) AT A WINE FESTIVAL THAT:

1 (I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF
2 MARYLAND WINE; AND

3 (II) IS AUTHORIZED BY THE OFFICE OF THE COMPTROLLER
4 UNDER § 2-103 OF THIS SUBTITLE.

5 (F) THE TERM OF A WINERY OFF-SITE PERMIT IS 1 YEAR.

6 (G) AN APPLICANT SHALL:

7 (1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A
8 COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE
9 COMPTROLLER PROVIDES; AND

10 (2) PAY A FEE OF \$100 FOR THE WINERY OFF-SITE PERMIT.

11 (H) (1) NO LATER THAN THE 20TH DAY OF THE MONTH PRECEDING
12 THE OFF-SITE EVENT, THE PERMIT HOLDER SHALL NOTIFY THE OFFICE OF THE
13 COMPTROLLER OF ITS INTENTION TO ATTEND AN OFF-SITE EVENT.

14 (2) THE NOTICE SHALL BE ON A FORM THAT THE OFFICE OF THE
15 COMPTROLLER PROVIDES.

16 (I) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THE
17 PERMIT HOLDER TO NOTIFY THE BOARD OF LICENSE COMMISSIONERS IN THE
18 COUNTY WHERE THE EVENT IS BEING HELD OF ITS INTENTION TO ATTEND AN
19 OFF-SITE EVENT.

20 2-103.

21 (A) THERE IS A WINE FESTIVAL PERMIT.

22 (B) (1) AN APPLICANT FOR A WINE FESTIVAL PERMIT ~~MAY ONLY~~
23 SHALL BE A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE
24 INTERNAL REVENUE CODE.

25 (2) THE OFFICE OF THE COMPTROLLER MAY ISSUE THE PERMIT
26 TO A NONPROFIT ORGANIZATION THAT MEETS THE REQUIREMENTS OF THIS
27 SECTION.

28 (3) A PERMIT AUTHORIZES THE PERMIT HOLDER TO CONDUCT A
29 WINE FESTIVAL FOR AT LEAST 1 DAY AND NOT MORE THAN 3 CONSECUTIVE
30 DAYS.

1 (C) (1) THE PERMIT HOLDER MAY PURCHASE WINE AT WHOLESALE
2 TO:

3 (I) PROVIDE TO A CONSUMER A SAMPLE THAT MAY NOT
4 EXCEED 1 FLUID OUNCE FOR EACH BRAND; AND

5 (II) SELL TO A CONSUMER WINE ~~IN A SEALED CONTAINER~~
6 FOR ON- AND OFF-PREMISES CONSUMPTION; ~~AND~~

7 ~~(III) SELL TO A CONSUMER WINE IN AN OPEN CONTAINER OR~~
8 ~~BY THE GLASS FOR ON-PREMISES CONSUMPTION.~~

9 (2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A WINE
10 FESTIVAL FOR HOLDERS OF WINERY OFF-SITE PERMITS.

11 (3) A HOLDER OF A WINERY OFF-SITE PERMIT THAT ATTENDS A
12 WINE FESTIVAL MAY PROVIDE WINE TO A CONSUMER IN THE SAME MANNER AS
13 THE HOLDER OF THE WINE FESTIVAL PERMIT.

14 (4) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE WINE
15 FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER OR
16 A HOLDER OF A WINERY OFF-SITE PERMIT THAT IS IN ATTENDANCE.

17 (D) ~~(1)~~ AT ALL TIMES DURING THE WINE FESTIVAL, THE PERMIT
18 HOLDER SHALL HAVE PRESENT AT LEAST TWO AGENTS, ONE OF WHOM MAY BE
19 THE PERMIT HOLDER, WHO ARE CERTIFIED BY AN APPROVED ALCOHOL
20 AWARENESS PROGRAM.

21 ~~(2) A HOLDER OF A WINERY OFF-SITE PERMIT THAT ATTENDS A~~
22 ~~WINE FESTIVAL SHALL HAVE PRESENT AN ADDITIONAL AGENT WHO IS~~
23 ~~CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM AS REQUIRED~~
24 ~~UNDER § 2-102(D) OF THIS SUBTITLE.~~

25 (E) AN APPLICANT FOR A WINE FESTIVAL PERMIT SHALL:

26 (1) NO LESS THAN 30 DAYS BEFORE THE PROPOSED EVENT,
27 SUBMIT TO THE OFFICE OF THE COMPTROLLER A COMPLETED APPLICATION ON
28 A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES THAT:

29 (I) STATES THAT THE PRIMARY PURPOSE OF THE WINE
30 FESTIVAL IS TO PROMOTE MARYLAND WINE;

31 (II) PROVIDES DETAILS OF THE WINE FESTIVAL, INCLUDING
32 THE LOCATION, DATES, AND TIMES OF OPERATION; AND

1 (iii) INCLUDES APPROPRIATE EVIDENCE THAT THE OWNER
2 OF THE PROPERTY IN WHICH THE WINE FESTIVAL MAY BE HELD HAS GIVEN
3 PERMISSION TO THE APPLICANT TO HAVE THE WINE FESTIVAL ON ITS
4 PREMISES; AND

5 (2) PAY A FEE OF \$100 FOR THE WINE FESTIVAL PERMIT.

6 (f) NO LESS THAN 15 DAYS BEFORE THE WINE FESTIVAL, THE PERMIT
7 HOLDER SHALL PROVIDE THE OFFICE OF THE COMPTROLLER WITH A LIST OF
8 WINERY OFF-SITE PERMIT HOLDERS THAT WILL ATTEND.

9 **2-104.**

10 **EACH CALENDAR YEAR, ATTENDANCE AT AN EVENT DESCRIBED IN §**
11 **2-102(E)(3) OF THIS TITLE AND AT A WINE FESTIVAL DESCRIBED IN § 2-103 OF**
12 **THIS TITLE BY A HOLDER OF A WINERY OFF-SITE PERMIT SHALL BE LIMITED TO**
13 **ATTENDANCE AT NO MORE THAN:**

14 (1) **21 EVENTS STATEWIDE; AND**

15 (2) **NINE EVENTS AT ANY SINGLE VENUE.**

16 7.5-101.

17 (b) (1) “Common carrier” means a business entity that:

18 (i) Holds itself out as being available to the public to transport
19 in interstate or foreign commerce for compensation any class of passenger or property;
20 and

21 (ii) Holds a common carrier permit issued under § [2-101(y)]
22 **2-101(w)** of this article.

23 (2) “Common carrier” does not include a business entity that
24 transports only property it owns or that is consigned to it.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 ~~July~~ June 1, 2013.