

Bulletin



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No. AB-32

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TO: Limousine Operators in the State of Maryland

SUBJECT: Providing Alcoholic Beverages to Clients

Over the years, the Alcohol and Tobacco Tax Division has received reports of limousine operators providing alcoholic beverages, including champagne, to paying passengers during the course of a contracted activity. Some companies may consider this service as “complimentary.” Notices on this subject were issued in 1989 and again in 1995.

The sale of alcoholic beverages without a license is prohibited by Section 1-201 of Article 2B of the Annotated Code of Maryland. The Attorney General has ruled in several written Opinions that when alcoholic beverages are provided as part of a service or admission charge, it is a sale. It is presumed the cost of the beverages is included in the overall price. At the present time there is no class of license which could be applied for and issued which would cover this activity.

The sale of alcoholic beverages without a license is a criminal offense and is subject to the general penalties provided by Section 16-503 of Article 2B which states in pertinent part, “*Any person violating the provisions of this Article...shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than one thousand*

dollars (\$1,000.00) or to imprisonment of not more than two years in the House of Correction, or jail, or both fined and imprisoned.”

The above does not necessarily prohibit a customer from bringing his own alcoholic beverages provided they were purchased by the customer direct and under his exclusive control at all times. However, this arrangement would be subject to the limitations of Section 19-301 of Article 2B (possession of alcoholic beverages in open containers in certain places) and any local ordinances that might be in effect.

It is in the spirit of cooperation that we bring this issue to the attention of Maryland’s limousine industry. While we are certain a majority of limousine companies wish to operate in full compliance with the law, we will pursue any violations brought to our attention and take whatever action is deemed appropriate. If you have any questions, please contact Peggy L. Higgins, Assistant to the Director at 410-260-7319.

Charles W. Ehart, DPA
Director

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