

HOUSE BILL 504

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2000 Regular Session
0lr1426
CF 0lr1434

By: **Delegate Arnick**
Introduced and read first time: February 4, 2000
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2000

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages - Local Licensing Boards - Appeals to Circuit Courts**

3 FOR the purpose of establishing that a certain alcoholic beverages licensee or a
4 certain alcoholic beverages applicant may appeal a decision of a local alcoholic
5 beverages licensing board to the circuit court of the county under certain
6 circumstances; and generally relating to the appeal of a final decision of a local
7 alcoholic beverages licensing board.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 16-101(a) and (b)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 Supplement)

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

15 **Article 2B - Alcoholic Beverages**

16 16-101.

17 (a) The decision of a local licensing board, in approving, suspending, revoking
18 and restricting, or refusing to approve, suspend, revoke or restrict [any] A license, or
19 A licensee, shall be subject to appeal in the manner provided in this section.

20 ~~(b) (1) (i) Except in Howard County, any ALCOHOLIC BEVERAGES~~
21 ~~licensee ISSUED A LICENSE BY THE LOCAL LICENSING BOARD, [or] AN applicant for~~
22 ~~[a] AN ALCOHOLIC BEVERAGES license FROM THE LOCAL LICENSING BOARD THAT~~

1 ~~MADE THE DECISION, or any group of not less than 10 persons who are residents or~~
 2 ~~real estate owners in the precinct or voting district in which the licensed place of~~
 3 ~~business is located or proposed to be located, may appeal therefrom to the circuit~~
 4 ~~court of the county upon payment of all costs incident to the hearing before the local~~
 5 ~~licensing board.~~

6 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FOLLOWING
 7 PERSONS MAY APPEAL A DECISION OF A LOCAL LICENSING BOARD TO THE CIRCUIT
 8 COURT OF THE COUNTY UPON PAYMENT OF ALL COSTS INCIDENT TO THE HEARING
 9 BEFORE THE LOCAL LICENSING BOARD:

10 (I) ANY ALCOHOLIC BEVERAGES LICENSEE THAT HOLDS A
 11 LICENSE ISSUED BY THE LOCAL LICENSING BOARD;

12 (II) AN APPLICANT FOR AN ALCOHOLIC BEVERAGES LICENSE THAT
 13 IS THE SUBJECT OF THE DECISION BY THE LOCAL LICENSING BOARD; AND

14 (III) ANY GROUP OF NOT LESS THAN 10 PERSONS WHO ARE
 15 RESIDENTS OR REAL ESTATE OWNERS IN THE PRECINCT OR VOTING DISTRICT IN
 16 WHICH THE LICENSED PLACE OF BUSINESS IS LOCATED OR PROPOSED TO BE
 17 LOCATED.

18 (2) A LICENSEE, LICENSE APPLICANT, OR GROUP THAT APPEALS A
 19 DECISION OF A LOCAL LICENSING BOARD UNDER SUBPARAGRAPH (1) OF THIS
 20 PARAGRAPH, MUST BE AGGRIEVED BY THE DECISION OF THE BOARD AND MUST
 21 HAVE APPEARED AT THE HEARING OF THE BOARD EITHER IN PERSON, BY A
 22 REPRESENTATIVE, OR BY THE SUBMISSION OF A WRITTEN DOCUMENT THAT WAS
 23 INTRODUCED AT THE HEARING.

24 ~~(ii) In Howard County, [a] ANY ALCOHOLIC BEVERAGES licensee~~
 25 ~~ISSUED A LICENSE BY THE BOARD OF LICENSE COMMISSIONERS, [a] AN APPLICANT~~
 26 ~~FOR AN ALCOHOLIC BEVERAGES license [applicant] FROM THE BOARD, or a group of~~
 27 ~~not less than 10 persons may appeal a final decision of the Board [of License~~
 28 ~~Commissioners] to the Circuit Court if the licensee, license applicant, or the group is~~
 29 ~~aggrieved by the decision and has appeared at the hearing of the Board of License~~
 30 ~~Commissioners either:~~

31 1. ~~In person or by representative; or~~

32 2. ~~By the submission of a written document that was~~
 33 ~~introduced at the hearing.~~

34 ~~(2) (3) In Prince George's County, the governing body of the~~
 35 ~~municipality in which the licensed place of business is located or proposed to be~~
 36 ~~located may appeal therefrom to the Circuit Court of the County upon payment of all~~
 37 ~~costs incident to the hearing before the Board of License Commissioners.~~

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 39 October 1, 2000.

