

UNOFFICIAL COPY OF HOUSE BILL 504

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(0lr1426)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegate Arnick**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 384

AN ACT concerning

Alcoholic Beverages - Local Licensing Boards - Appeals to Circuit Courts

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

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

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

Article 2B - Alcoholic Beverages

16-101.

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

~~(b) (1) (i) Except in Howard County, any ALCOHOLIC BEVERAGES licensee ISSUED A LICENSE BY THE LOCAL LICENSING BOARD, [or] AN applicant for [a] AN ALCOHOLIC BEVERAGES license FROM THE LOCAL LICENSING BOARD THAT MADE THE DECISION, or any group of not less than 10 persons who are residents or real estate owners in the precinct or voting district in which the licensed place of business is located or proposed to be located, may appeal therefrom to the circuit court of the county upon payment of all costs incident to the hearing before the local licensing board.~~

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

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

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

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

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

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

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

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

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

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