

HOUSE BILL 415

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2001 Regular Session
(11r2011)

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 475

1 AN ACT concerning

2 **Alcoholic Beverages - Licenses - Issuance and Transfer**

3 FOR the purpose of ~~requiring an applicant for an alcoholic beverages license or the~~
4 ~~transfer of a license to demonstrate to the appropriate board of license~~
5 ~~commissioners that certain criteria have been met~~; requiring a board of license
6 commissioners to consider certain criteria in approving the issuance or transfer
7 of a license; providing that the requirement to consider certain criteria does not
8 apply in Baltimore City, Harford County, or St. Mary's County; ~~authorizing a~~
9 ~~board to consider certain criteria in approving the issuance or transfer of a~~
10 ~~license~~; clarifying a certain provision; and generally relating to the issuance or
11 transfer of an alcoholic beverages license.

12 BY repealing and reenacting, without amendments,
13 Article 2B - Alcoholic Beverages
14 Section 10-202(a)(1)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article 2B - Alcoholic Beverages
 3 Section 10-202(a)(2) and 10-503(a)(2)
 4 Annotated Code of Maryland
 5 (1998 Replacement Volume and 2000 Supplement)

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

8 **Article 2B - Alcoholic Beverages**

9 10-202.

10 (a) (1) (i) Before the Board of License Commissioners for Baltimore City
 11 or any county approves any application for a license, the Board shall cause a notice of
 12 the application to be published two times in two successive weeks:

13 1. For Baltimore City licensee applicants - in three
 14 newspapers of general circulation in Baltimore City.

15 2. For county licensee applicants - in two newspapers of
 16 general circulation in the county where two newspapers are published, and if not,
 17 then in one newspaper having a general circulation in the county.

18 (ii) The notice shall specify the name of the applicant, the kind of
 19 license for which application is made, the location of the place of business proposed to
 20 be licensed, and the time and place fixed by the Board for a hearing on the
 21 application.

22 (iii) The hearing may not be less than seven nor more than 30 days
 23 after the last publication.

24 (iv) At the time fixed by the notice for a hearing on the application
 25 or on any postponement of the time, any person shall be heard on either side of the
 26 question.

27 (2) (i) THIS PARAGRAPH DOES NOT APPLY IN BALTIMORE CITY,
 28 HARFORD COUNTY, OR ST. MARY'S COUNTY.

29 ~~1. AN APPLICANT FOR A NEW LICENSE SHALL DEMONSTRATE TO~~
 30 ~~THE SATISFACTION OF THE BOARD THAT THE LICENSE IS NECESSARY TO~~
 31 ~~ACCOMMODATE THE PUBLIC AT THE PROPOSED LOCATION WHERE THE LICENSE~~
 32 ~~WILL APPLY.~~

33 ~~2. IN DETERMINING WHETHER THE APPLICANT HAS~~
 34 ~~DEMONSTRATED THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC~~
 35 ~~AT THE PROPOSED LICENSE LOCATION, THE BOARD SHALL CONSIDER:~~

1 A. ~~THE NUMBER AND LOCATION OF EXISTING LICENSES IN~~
2 ~~THE SURROUNDING MARKET AREA;~~

3 B. ~~THE EFFECT OF A SATURATION OF LICENSES IN THE~~
4 ~~SURROUNDING MARKET AREA ON EXISTING LICENSEES; AND~~

5 C. ~~THE POTENTIAL EFFECT OF THE NEW LICENSE AT THE~~
6 ~~PROPOSED LICENSE LOCATION ON THE ACCOMMODATION OF THE PUBLIC IN THE~~
7 ~~SURROUNDING MARKET AREA IN LIGHT OF THE PURPOSES OF REGULATING THE~~
8 ~~SALE AND DISPENSING OF ALCOHOLIC BEVERAGES, WHICH ARE TO PROMOTE~~
9 ~~TEMPERANCE AND TO LIMIT COMPETITION WHILE PROVIDING ORDERLY,~~
10 ~~APPROPRIATE, AND USEFUL SERVICE AND CONVENIENCE TO THE PUBLIC.~~

11 3. ~~IN DETERMINING WHETHER THE APPLICANT HAS~~
12 ~~DEMONSTRATED THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC~~
13 ~~AT THE PROPOSED LICENSE LOCATION, THE BOARD MAY CONSIDER:~~

14 A. ~~THE AMOUNT AND VOLUME OF ALCOHOLIC BEVERAGES~~
15 ~~SALES IN THE SURROUNDING MARKET AREA, INCLUDING ANY INCREASE OR~~
16 ~~DECREASE IN SALES AND THE STABILITY OF SALES BY EXISTING LICENSEES;~~

17 B. ~~THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE~~
18 ~~SERVICES AND PRODUCTS TO BE OFFERED BY THE APPLICANT'S BUSINESS;~~

19 C. ~~THE GENERAL MARKET NEED IN ADDITION TO THE~~
20 ~~ACTUAL NEED AND DESIRE FOR SERVICE OR CONVENIENCE FOR RESIDENTS AND~~
21 ~~BUSINESSES IN THE SURROUNDING MARKET AREA; OR~~

22 D. ~~THE POTENTIAL IMPACT ON THE GENERAL HEALTH,~~
23 ~~SAFETY, AND WELFARE OF THE COMMUNITY IN THE SURROUNDING MARKET AREA,~~
24 ~~INCLUDING ISSUES RELATING TO CRIME, TRAFFIC HAZARDS OR CONGESTION, AND~~
25 ~~SAFE AND ADEQUATE PARKING~~

26 (II) BEFORE APPROVING AN APPLICATION AND ISSUING A LICENSE,
27 THE BOARD SHALL CONSIDER:

28 1. THE PUBLIC NEED AND DESIRE FOR THE LICENSE;

29 2. THE NUMBER AND LOCATION OF EXISTING LICENSEES
30 AND THE POTENTIAL EFFECT ON EXISTING LICENSEES OF THE LICENSE APPLIED
31 FOR;

32 3. THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE
33 SERVICES AND PRODUCTS TO BE OFFERED BY THE APPLICANT'S BUSINESS;

34 4. THE IMPACT ON THE GENERAL HEALTH, SAFETY, AND
35 WELFARE OF THE COMMUNITY, INCLUDING ISSUES RELATING TO CRIME, TRAFFIC
36 CONDITIONS, PARKING, OR CONVENIENCE; AND

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2001.