

SENATE BILL 997

A2

EMERGENCY BILL

11r3143

By: **Senator Klausmeier**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 24, 2011

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 28, 2011

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2011

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages – Expiration of Licenses – Extension**
3 **for Casualty Loss**

4 FOR the purpose of authorizing the Board of License Commissioners for Baltimore
5 County under certain circumstances to extend an alcoholic beverages license for
6 a certain time if the licensed premises is forced to close because of a casualty
7 loss; ~~authorizing the circuit court to extend a license under certain~~
8 ~~circumstances if the circuit court finds that extraordinary cause exists;~~
9 ~~requiring the licensee to resume active alcoholic beverages business operations~~
10 ~~under certain circumstances;~~ making this Act an emergency measure; and
11 generally relating to alcoholic beverages licenses in Baltimore County.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 10–504(e)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

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

19 **Article 2B – Alcoholic Beverages**

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 10-504.

2 (e) (1) (i) This subsection applies only in Baltimore County.

3 (ii) In this subsection, "Board" means the Board of License
4 Commissioners or the Office of the Comptroller, whichever is the issuing party.

5 (2) 180 days after the holder of any license issued under the provisions
6 of this article has closed the business or ceased active alcoholic beverages business
7 operations of the business for which the license is held, the license shall expire unless:

8 (i) An application for approval of a transfer to another location
9 or an application for assignment to another person pursuant to § 10-503 of this article
10 has been approved or is then pending;

11 (ii) An application pursuant to § 10-506 of this article has been
12 approved or is then pending; or

13 (iii) A written request for a hardship extension, as provided in
14 this subsection, is filed within the 180-day period.

15 (3) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS**
16 **SUBSECTION, THE** licensee or other appropriate interested parties may make a
17 written request to the Board for an extension of the life of the license, due to undue
18 hardship, for a time period of no more than a cumulative period of 360 days after the
19 date of closing or cessation of alcoholic beverages business operations of the business
20 for which the license is held.

21 (4) **[After] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS**
22 **SUBSECTION, AFTER** a hearing conducted on the extension request, upon a finding
23 that undue hardship currently exists causing the closing or cessation of business
24 operations, the Board may grant an extension of the life of the license for a time period
25 not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

26 (5) It is the intention of this subsection that the total time period for
27 which a license may be deemed unexpired under paragraph (2) of this subsection is
28 180 days if no undue hardship extension is granted and no more than 360 days if an
29 undue hardship extension has been granted. The time period begins at the earlier of
30 the closing of the business or cessation of alcoholic beverages business, and shall be
31 tolled only upon the filing of an application or request described in paragraph (2) of
32 this subsection, the expiration period to begin running again, cumulatively to the time
33 period before the filing of the application or request, upon the occurrence of the later to
34 occur of the following events:

35 (i) Final action of the Board granting or denying a request
36 authorized by paragraph (3) of this subsection;

1 (ii) Final action of the Board denying an application described
 2 by subparagraphs (i) or (ii) of paragraph (2) of this subsection; or

3 (iii) Final judgment of the appellate court when judicial review
 4 of the Board's action on an application or request authorized by paragraphs (2) or (3)
 5 of this subsection has been sought, or upon dismissal of a petition for judicial review.

6 (6) In the event that an application or request to the Board described
 7 in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the
 8 period for automatic expiration of the license and it shall be deemed as if no such
 9 application or request was filed.

10 (7) ~~(H)~~ IF A LICENSED PREMISES IS FORCED TO CLOSE
 11 BECAUSE OF A CASUALTY LOSS, THE BOARD, WITHOUT CIRCUIT COURT
 12 APPROVAL, MAY EXTEND THE LICENSE FOR NOT MORE THAN 2 YEARS AFTER
 13 THE CLOSING.

14 ~~(H) THE CIRCUIT COURT MAY EXTEND A LICENSE BEYOND~~
 15 ~~AN EXTENSION GRANTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE~~
 16 ~~CIRCUIT COURT FINDS THAT EXTRAORDINARY CAUSE EXISTS.~~

17 ~~(H) IF THE CIRCUIT COURT EXTENDS A LICENSE UNDER~~
 18 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH, WHEN THE EXTENSION EXPIRES THE~~
 19 ~~LICENSEE IMMEDIATELY SHALL RESUME ACTIVE ALCOHOLIC BEVERAGES~~
 20 ~~BUSINESS OPERATIONS AT THE LICENSED PREMISES AND CONTINUE THE~~
 21 ~~OPERATIONS AT THE LICENSED PREMISES FOR AT LEAST 1 YEAR.~~

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 23 measure, is necessary for the immediate preservation of the public health or safety,
 24 has been passed by a ye and nay vote supported by three-fifths of all the members
 25 elected to each of the two Houses of the General Assembly, and shall take effect from
 26 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.