

# HOUSE BILL 1410

A2

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By: ~~Delegates Brooks, Ebersole, Grammer, Hettleman, Jalisi, Jones, and P. Young~~  
**Baltimore County Delegation**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages Licenses – Expiration**

3 FOR the purpose of extending, in Baltimore County, the time period after which an  
4 alcoholic beverages license expires when the license holder has closed the business  
5 or stopped active alcoholic beverages business operations at the premises; repealing  
6 a provision of law authorizing the Board of License Commissioners for Baltimore  
7 County to grant a hardship extension if the Board makes a certain finding after a  
8 hearing; establishing that submission of a certain request for a hardship extension  
9 automatically extends the life of a license for a certain time period; clarifying that a  
10 hardship extension may not prolong the life of an inactive license for more than a  
11 certain total time period; clarifying that the period for automatic expiration of a  
12 license may not be suspended on the basis of a certain withdrawn application or  
13 request; extending the time period the Board may extend a license without circuit  
14 court approval if a licensed premises is forced to close because of a casualty loss;  
15 making conforming changes; and generally relating to the expiration of alcoholic  
16 beverages licenses in Baltimore County.

17 BY repealing and reenacting, without amendments,

18 Article – Alcoholic Beverages

19 Section 13–102

20 Annotated Code of Maryland

21 (2016 Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,

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**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 Article – Alcoholic Beverages  
2 Section 13–2202  
3 Annotated Code of Maryland  
4 (2016 Volume and 2017 Supplement)

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

7 **Article – Alcoholic Beverages**

8 13–102.

9 This title applies only in Baltimore County.

10 13–2202.

11 (a) A license expires [180 days] **1 YEAR** after the license holder has closed the  
12 business or stopped active alcoholic beverages business operations at the premises for  
13 which the license is held unless:

14 (1) an application for approval of a transfer to another location or another  
15 person under Subtitle 17 of this title has been approved or is pending;

16 (2) an application for a certificate of permission or a renewal license for  
17 continuation of business under Subtitle 23 of this title has been approved or is pending; or

18 (3) a written request for a hardship extension under subsection (b) of this  
19 section is filed within the [180–day] **1–YEAR** period.

20 (b) Except as provided in subsection (d) of this section:

21 (1) the license holder or another appropriate interested party may make a  
22 written request to the Board to extend the life of the license due to hardship;

23 (2) [the Board may grant the extension if the Board finds after a hearing  
24 that existing hardship caused] **SUBMISSION OF A REQUEST UNDER ITEM (1) OF THIS**  
25 **SUBSECTION SHALL AUTOMATICALLY EXTEND THE LIFE OF THE LICENSE FOR 2**  
26 **YEARS AFTER THE DATE OF** the closing or stopping of business operations; and

27 (3) [an] **A HARDSHIP** extension may not prolong the life of [the] **AN**  
28 **INACTIVE** license beyond [360 days] **THE TOTAL OF:**

29 **(I) 2 YEARS** after the date of closing or stopping of alcoholic  
30 beverages business operations at the premises for which the license is held; **AND**

1                   **(II) ANY TIME PERIOD DURING WHICH THE LICENSE IS**  
2 **SUSPENDED UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION.**

3           (c)   (1)   The period for which a license may be considered unexpired:

4                   (i)   begins at the earlier of the closing of the business or stopping of  
5 alcoholic beverages business operations; and

6                   (ii)   may be suspended only by filing an application or request under  
7 subsection (a) of this section.

8           (2)   The expiration period resumes on the last to occur of the following  
9 events:

10                   (i)   [final action of the Board granting or denying a request for a  
11 hardship extension under subsection (b) of this section;

12                   (ii)]   final action of the Board denying an application described in  
13 subsection (a)(1) or (2) of this section;

14                   [(iii)] **(II)**   final judgment of the reviewing court if judicial review of  
15 the Board's action on an application or request authorized by subsection [(a) or (b)] **(A)(1)**  
16 **OR (2)** of this section has [been granted] **AFFIRMED THE BOARD'S ACTION**; or

17                   [(iv)] **(III)**   dismissal of a petition for judicial review of the Board's  
18 action.

19           (3)   If an application or request described in subsection (a) or (b) of this  
20 section is withdrawn:

21                   (i)   the period for automatic expiration of the license may not be  
22 suspended **ON THE BASIS OF THE WITHDRAWN APPLICATION OR REQUEST**; and

23                   (ii)   the application or request shall be considered as if it had not been  
24 filed.

25           (d)   If a licensed premises is forced to close because of a casualty loss, the Board,  
26 without circuit court approval, may extend the license for not more than **[2] 3** years after  
27 the closing.

28           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**  
29 **1, 2018.**