

Chapter 707

(House Bill 960)

AN ACT concerning

Baltimore City – Alcoholic Beverages – ~~Local~~ Licenses – Prohibited Transfers

FOR the purpose of prohibiting ~~a local licensing board~~ the Board of License Commissioners for Baltimore City from transferring a license to another person ~~if the transferor has~~ until the resolution of certain pending criminal charges filed against the transferor or disciplinary matters before the ~~local licensing board~~; Board concerning the transferor; altering the grounds for which a license holder or certain party may make a certain request to the Board to extend the life of a license; authorizing the Board to grant an extension that prolongs the life of a license beyond a certain period of time under certain circumstances; exempting a license the transfer of which is prohibited under this Act from a certain provision of law concerning the period of expiration of a license; and generally relating to prohibited transfers of ~~local~~ alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section ~~4-302(a)~~ 12-102

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages

Section ~~4-303.1~~ 12-1705.1

Annotated Code of Maryland

(2016 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,Article – Alcoholic BeveragesSection 12-2202Annotated Code of Maryland(2016 Volume and 2018 Supplement)

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

Article – Alcoholic Beverages**12-102.**This title applies only in Baltimore City.

~~4-302.~~

~~(a) Subject to subsection (b) of this section, a license holder or a receiver or trustee for the benefit of creditors, may:~~

~~(1) transfer the license holder's place of business to some other location; or~~

~~(2) transfer the license and the license holder's inventory to another person.~~

~~4-303.1. 12-1705.1.~~

~~A LOCAL LICENSING BOARD~~ **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE TO ANOTHER PERSON IF THE TRANSFEROR HAS UNTIL THE RESOLUTION OF:**

(1) ANY PENDING CRIMINAL CHARGES CHARGE FILED AGAINST THE TRANSFEROR THAT DIRECTLY RELATES TO THE OPERATION OF THE LICENSED PREMISES; OR

(2) ANY DISCIPLINARY MATTERS MATTER BEFORE THE LOCAL LICENSING BOARD THAT ARISE OUT OF AN INCIDENT OR A CIRCUMSTANCE INVOLVING THE LICENSE OR LICENSED PREMISES BOARD CONCERNING THE TRANSFEROR.

12-2202.

(a) A license expires 180 days after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

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

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

(3) a written request for a hardship extension under subsection (b) of this section is filed within the 180-day period.

(b) (1) The license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship, INCLUDING THE PENDENCY OF A CRIMINAL CHARGE FILED AGAINST A TRANSFEROR THAT DIRECTLY RELATES TO THE OPERATION OF THE LICENSED PREMISES OR A DISCIPLINARY MATTER BEFORE THE BOARD CONCERNING THE TRANSFEROR.

(2) The Board may grant the extension if the Board finds after a hearing that existing hardship caused the closing or stopping of business operations.

(3) [An] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, AN extension may not prolong the life of the license beyond 360 days after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held.

(4) THE BOARD MAY GRANT AN EXTENSION UNDER THIS SUBSECTION THAT PROLONGS THE LIFE OF A LICENSE BEYOND 360 DAYS IF A TRANSFER OF THE LICENSE IS PROHIBITED UNDER § 12-1705.1 OF THIS TITLE.

(c) (1) THIS SUBSECTION DOES NOT APPLY TO A LICENSE THE TRANSFER OF WHICH IS PROHIBITED UNDER § 12-1705.1 OF THIS TITLE.

(2) The period for which a license may be considered unexpired:

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

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

[2] (3) The expiration period resumes on the last to occur of the following events:

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

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

(iii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a) or (b) of this section has been granted; or

(iv) dismissal of a petition for judicial review of the Board's action.

[3] (4) If an application or request described in subsection (a) or (b) of this section is withdrawn:

(i) the period for automatic expiration of the license may not be suspended; and

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.