
By: Delegate DeCarlo

Introduced and read first time: March 4, 1996
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages**
3 **(Cessation of Business)**

4 FOR the purpose of providing in Baltimore County for the expiration of alcoholic
5 beverages licenses under certain circumstances; and generally relating to alcoholic
6 beverages licenses in Baltimore County.

7 BY repealing

8 Article 2B - Alcoholic Beverages
9 Section 10-504(d)
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1995 Supplement)

12 BY adding to

13 Article 2B - Alcoholic Beverages
14 Section 10-504(d)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1995 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**

20 10-504.

21 [(d) In Baltimore County, 180 days after the holder of any license issued under the
22 provisions of this article has vacated, or been evicted, from the premises for which the
23 license was issued, the license shall expire unless an application for approval of a transfer
24 to another location or assignment to another person pursuant to § 10-503 of this article or
25 an application pursuant to § 10-506 of this article has been approved or is then pending.]

26 (D) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE COUNTY.

27 (2) 180 DAYS AFTER THE HOLDER OF ANY LICENSE ISSUED UNDER THE
28 PROVISIONS OF THIS ARTICLE HAS CLOSED THE BUSINESS OR CEASED ACTIVE
29 ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE
30 LICENSE IS HELD, THE LICENSE SHALL EXPIRE UNLESS:

1 (I) AN APPLICATION FOR APPROVAL OF A TRANSFER TO
2 ANOTHER LOCATION OR AN APPLICATION FOR ASSIGNMENT TO ANOTHER PERSON
3 PURSUANT TO § 10-503 OF THIS ARTICLE HAS BEEN APPROVED OR IS THEN PENDING;

4 (II) AN APPLICATION PURSUANT TO § 10-506 OF THIS ARTICLE HAS
5 BEEN APPROVED OR IS THEN PENDING; OR

6 (III) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION, AS
7 PROVIDED IN THIS SUBSECTION, IS FILED WITHIN THE 180-DAY PERIOD.

8 (3) THE LICENSEE OR OTHER APPROPRIATE INTERESTED PARTIES MAY
9 MAKE A WRITTEN REQUEST TO THE BOARD OF LIQUOR LICENSE COMMISSIONERS
10 FOR AN EXTENSION OF THE LIFE OF THE LICENSE, DUE TO UNDUE HARDSHIP, FOR A
11 TIME PERIOD OF NO MORE THAN A CUMULATIVE PERIOD OF 360 DAYS AFTER THE
12 DATE OF CLOSING OR CESSATION OF ALCOHOLIC BEVERAGES BUSINESS
13 OPERATIONS OF THE BUSINESS FOR WHICH THE LICENSE IS HELD.

14 (4) AFTER A HEARING CONDUCTED ON THE EXTENSION REQUEST,
15 UPON A FINDING THAT UNDUE HARDSHIP CURRENTLY EXISTS CAUSING THE
16 CLOSING OR CESSATION OF BUSINESS OPERATIONS OR CONTINUANCE OF THE
17 BUSINESS, THE BOARD MAY GRANT AN EXTENSION OF THE LIFE OF THE LICENSE
18 FOR A TIME PERIOD NOT TO EXCEED 360 DAYS AS DEFINED IN PARAGRAPHS (3) AND
19 (5) OF THIS SUBSECTION.

20 (5) IT IS THE INTENTION OF THIS SUBSECTION THAT THE TOTAL TIME
21 PERIOD FOR WHICH A LICENSE MAY BE DEEMED UNEXPIRED UNDER PARAGRAPH
22 (2) OF THIS SUBSECTION IS 180 DAYS IF NO UNDUE HARDSHIP EXTENSION IS
23 GRANTED AND NO MORE THAN 360 DAYS IF AN UNDUE HARDSHIP EXTENSION HAS
24 BEEN GRANTED. THE TIME PERIOD BEGINS AT THE EARLIER OF THE CLOSING OF
25 THE BUSINESS OR CESSATION OF ALCOHOLIC BEVERAGES BUSINESS, AND SHALL BE
26 TOLLED ONLY UPON THE FILING OF AN APPLICATION OR REQUEST DESCRIBED IN
27 PARAGRAPH (2) OF THIS SUBSECTION, THE EXPIRATION PERIOD TO BEGIN RUNNING
28 AGAIN, CUMULATIVELY TO THE TIME PERIOD BEFORE THE FILING OF THE
29 APPLICATION OR REQUEST, UPON THE OCCURRENCE OF THE LATER TO OCCUR OF
30 THE FOLLOWING EVENTS:

31 (I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A
32 REQUEST AUTHORIZED BY PARAGRAPH (3) OF THIS SUBSECTION;

33 (II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION
34 DESCRIBED BY SUBPARAGRAPHS (I) OR (II) OF PARAGRAPH (2) OF THIS SUBSECTION;
35 OR

36 (III) FINAL JUDGMENT OF THE APPELLATE COURT WHEN JUDICIAL
37 REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED
38 BY PARAGRAPHS (2) OR (3) OF THIS SUBSECTION HAS BEEN SOUGHT, OR UPON
39 DISMISSAL OF A PETITION FOR JUDICIAL REVIEW.

40 (6) IN THE EVENT THAT AN APPLICATION OR REQUEST TO THE BOARD
41 DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IS WITHDRAWN, THERE SHALL
42 BE NO TOLLING OF THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE AND
43 IT SHALL BE DEEMED AS IF NO SUCH APPLICATION WAS FILED.

3

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.