
By: ~~Delegate DeCarlo~~ Delegates DeCarlo and Redmer

Introduced and read first time: March 4, 1996

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 11, 1996

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 1996

CHAPTER ____

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

2

1 license was issued, the license shall expire unless an application for approval of a transfer
2 to another location or assignment to another person pursuant to § 10-503 of this article or
3 an application pursuant to § 10-506 of this article has been approved or is then pending.]

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

5 (2) 180 DAYS AFTER THE HOLDER OF ANY LICENSE ISSUED UNDER THE
6 PROVISIONS OF THIS ARTICLE HAS CLOSED THE BUSINESS OR CEASED ACTIVE
7 ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE
8 LICENSE IS HELD, THE LICENSE SHALL EXPIRE UNLESS:

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

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

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

16 (3) THE LICENSEE OR OTHER APPROPRIATE INTERESTED PARTIES MAY
17 MAKE A WRITTEN REQUEST TO THE BOARD OF LIQUOR LICENSE COMMISSIONERS
18 OR THE COMPTROLLER FOR AN EXTENSION OF THE LIFE OF THE LICENSE, DUE TO
19 UNDUE HARDSHIP, FOR A TIME PERIOD OF NO MORE THAN A CUMULATIVE PERIOD
20 OF 360 DAYS AFTER THE DATE OF CLOSING OR CESSATION OF ALCOHOLIC
21 BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE LICENSE IS
22 HELD.

23 (4) AFTER A HEARING CONDUCTED ON THE EXTENSION REQUEST,
24 UPON A FINDING THAT UNDUE HARDSHIP CURRENTLY EXISTS CAUSING THE
25 CLOSING OR CESSATION OF BUSINESS OPERATIONS ~~OR CONTINUANCE OF THE~~
26 ~~BUSINESS~~, THE BOARD MAY GRANT AN EXTENSION OF THE LIFE OF THE LICENSE
27 FOR A TIME PERIOD NOT TO EXCEED 360 DAYS AS DEFINED IN PARAGRAPHS (3) AND
28 (5) OF THIS SUBSECTION.

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

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

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

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

8 (6) IN THE EVENT THAT AN APPLICATION OR REQUEST TO THE BOARD
9 DESCRIBED IN ~~PARAGRAPH (2)~~ PARAGRAPH (2) OR (3) OF THIS SUBSECTION IS
10 WITHDRAWN, THERE SHALL BE NO TOLLING OF THE PERIOD FOR AUTOMATIC
11 EXPIRATION OF THE LICENSE AND IT SHALL BE DEEMED AS IF NO SUCH
12 APPLICATION OR REQUEST WAS FILED.

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