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**By: Senator Boozer**

Introduced and read first time: January 17, 1996

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Business License Information - "One-Stop" System**

3 FOR the purpose of requiring the Office of Regulatory and Environmental Assistance in  
4 the Department of Business and Economic Development to be a clearinghouse for  
5 State business license information; requiring the Office to establish a license  
6 information service, provide the most recent forms and information sheets for all  
7 State business licenses, and publish a directory of all State licenses required to do  
8 business in the State; requiring the Office to assist a person in the license  
9 application process; requiring the Office to implement and administer an  
10 automated master application system; requiring each State agency to designate a  
11 business license coordinator and to cooperate fully with the Office; providing that  
12 the appropriate agency shall continue to determine whether a requested license  
13 shall be issued and to issue the license; authorizing the Office to adopt regulations  
14 to carry out this Act; and generally relating to the establishment of a "one-stop"  
15 system of obtaining business license information.

16 BY adding to

17 Article 83A - Department of Business and Economic Development  
18 Section 3-901 through 3-907, inclusive, to be under the new subtitle "Subtitle 9.  
19 Business License Information"  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume)

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

24 **Article 83A - Department of Business and Economic Development**

25 SUBTITLE 9. BUSINESS LICENSE INFORMATION.

26 3-901.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
28 INDICATED.

29 (B) (1) "ENVIRONMENTAL LICENSE" MEANS A LICENSE, CERTIFICATE,  
30 PERMIT, OR OTHER APPROVAL THAT:

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1 (I) PERTAINS TO A REGULATORY OR MANAGEMENT PROGRAM  
2 THAT IS RELATED TO THE PROTECTION, CONSERVATION, OR USE OF OR  
3 INTERFERENCE WITH THE RESOURCES OF LAND, AIR, OR WATER; AND

4 (II) IS REQUIRED TO BE OBTAINED FROM A STATE AGENCY OR  
5 INSTRUMENTALITY.

6 (2) "ENVIRONMENTAL LICENSE" INCLUDES A LICENSE, CERTIFICATE,  
7 PERMIT, OR OTHER APPROVAL PERTAINING TO A POLLUTION CONTROL RULE OR  
8 STANDARD.

9 (C) "LICENSE" MEANS A LICENSE, CERTIFICATE, PERMIT, OR OTHER  
10 EVIDENCE OF A RIGHT TO ENGAGE IN ANY ACTIVITY.

11 (D) "OCCUPATIONAL LICENSE" MEANS ANY LICENSE, CERTIFICATE, PERMIT,  
12 OR OTHER EVIDENCE OF A RIGHT TO ENGAGE IN A PROFESSION, OCCUPATION, OR  
13 FIELD OF ENDEAVOR THAT IS ISSUED BY AN OCCUPATIONAL LICENSING AGENCY.

14 (E) (1) "OCCUPATIONAL LICENSING AGENCY" MEANS ANY BOARD,  
15 COMMISSION, COMMITTEE, OR OTHER AGENCY OF THE STATE THAT IS:

16 (I) ESTABLISHED FOR THE PRIMARY PURPOSE OF REGULATING  
17 THE ADMISSION OR CONDUCT OF PERSONS IN A PARTICULAR PROFESSION,  
18 OCCUPATION, OR FIELD OF ENDEAVOR; AND

19 (II) AUTHORIZED TO ISSUE AND REVOKE LICENSES.

20 (2) "OCCUPATIONAL LICENSING AGENCY" DOES NOT INCLUDE A STATE  
21 AGENCY OR DEPARTMENT THAT ISSUES PERMITS OR LICENSES AS ONLY PART OF  
22 ITS REGULAR FUNCTION.

23 (F) "OFFICE" MEANS THE OFFICE OF REGULATORY AND ENVIRONMENTAL  
24 ASSISTANCE IN THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT.

25 3-902.

26 (A) IT IS THE PURPOSE OF THIS SUBTITLE TO PROVIDE A CONVENIENT,  
27 ACCESSIBLE, AND TIMELY ONE-STOP SYSTEM FOR THE BUSINESS COMMUNITY TO  
28 ACQUIRE AND MAINTAIN THE NECESSARY STATE LICENSES TO CONDUCT BUSINESS  
29 IN THE STATE.

30 (B) (1) TO ACCOMPLISH THIS GOAL, THE OFFICE SHALL:

31 (I) PROVIDE INFORMATION TO THE BUSINESS COMMUNITY ON  
32 ALL STATE LICENSING AND REGULATORY REQUIREMENTS; AND

33 (II) TO THE EXTENT FEASIBLE, PROVIDE LOCAL AND FEDERAL  
34 INFORMATION ON THE SAME REGULATED ACTIVITIES.

35 (2) THE OFFICE ALSO SHALL:

36 (I) DEVELOP AN OPERATING PLAN FOR AN AUTOMATED MASTER  
37 APPLICATION SYSTEM;

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1 (II) DETERMINE THE SOFTWARE AND HARDWARE NEEDS OF THE  
2 SYSTEM;

3 (III) DETERMINE THE STAFFING LEVELS REQUIRED FOR THE  
4 SYSTEM; AND

5 (IV) DETERMINE THE SPACE REQUIREMENTS FOR THE OFFICE AND  
6 AUTOMATED SYSTEM.

7 (C) THE GENERAL ASSEMBLY INTENDS THAT THE AUTHORITY FOR  
8 DETERMINING WHETHER A REQUESTED LICENSE SHALL BE ISSUED SHALL REMAIN  
9 WITH THE AGENCY LEGALLY AUTHORIZED TO ISSUE THE LICENSE.

10 (D) (1) USE OF THE ONE-STOP SYSTEM BY AN APPLICANT IS OPTIONAL.

11 (2) AN APPLICANT MAY DEAL DIRECTLY WITH THE APPROPRIATE  
12 STATE LICENSING AGENCY IN OBTAINING INFORMATION, ASSISTANCE, OR IN  
13 APPLYING FOR A LICENSE IF THE APPLICANT PREFERENCES.

14 3-903.

15 (A) THE OFFICE SHALL BE A CLEARINGHOUSE FOR STATE BUSINESS LICENSE  
16 INFORMATION.

17 (B) THE OFFICE SHALL:

18 (1) ESTABLISH A LICENSE INFORMATION SERVICE DETAILING  
19 REQUIREMENTS FOR ESTABLISHING AND ENGAGING IN BUSINESS IN THE STATE;

20 (2) PROVIDE THE MOST RECENT FORMS AND INFORMATION SHEETS  
21 FOR ALL STATE BUSINESS LICENSES; AND

22 (3) PREPARE, PUBLISH, AND DISTRIBUTE A COMPLETE DIRECTORY OF  
23 ALL STATE LICENSES REQUIRED TO DO BUSINESS IN THE STATE.

24 3-904.

25 (A) ON REQUEST, THE OFFICE SHALL ASSIST A PERSON AS PROVIDED IN THIS  
26 SECTION.

27 (B) (1) BASED ON AN INFORMAL REVIEW OF A POTENTIAL APPLICANT'S  
28 BUSINESS AT AN EARLY STAGE IN ITS PLANNING, THE OFFICE SHALL IDENTIFY:

29 (I) THE TYPE AND SOURCE OF LICENSES THAT MAY BE  
30 REQUIRED; AND

31 (II) THE POTENTIAL DIFFICULTIES IN OBTAINING THE LICENSES.

32 (2) INFORMATION PROVIDED BY THE OFFICE IS FOR GUIDANCE  
33 PURPOSES ONLY AND MAY NOT BE ASSERTED BY AN APPLICANT AS A WAIVER OR  
34 RELEASE FROM ANY LICENSING REQUIREMENTS.

35 (3) AN APPLICANT MAY NOT BE ASSESSED A PENALTY FOR FAILURE TO  
36 OBTAIN ANY STATE BUSINESS LICENSE IF:

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1 (I) THE APPLICANT USED THE SERVICES OF THE OFFICE AS  
2 PROVIDED IN THIS SECTION;

3 (II) THE APPLICANT RECEIVED A WRITTEN STATEMENT  
4 IDENTIFYING REQUIRED BUSINESS LICENSES RELATING TO A SPECIFIC BUSINESS  
5 ACTIVITY;

6 (III) THE STATEMENT DID NOT IDENTIFY THE LICENSE THAT THE  
7 APPLICANT FAILED TO OBTAIN; AND

8 (IV) THE APPLICANT SUBMITTED AN APPLICATION FOR THE  
9 LICENSE WITHIN 60 DAYS AFTER WRITTEN NOTIFICATION BY THE OFFICE OR THE  
10 AGENCY RESPONSIBLE FOR ISSUING THE LICENSE.

11 (C) IF NECESSARY, THE OFFICE SHALL ARRANGE AN INFORMAL  
12 CONFERENCE BETWEEN THE PERSON AND THE APPROPRIATE AGENCY TO CLARIFY  
13 LICENSING REQUIREMENTS OR STANDARDS.

14 (D) THE OFFICE SHALL ASSIST IN PREPARING THE APPROPRIATE  
15 APPLICATION AND SUPPLEMENTAL FORMS.

16 (E) (1) THE OFFICE SHALL MONITOR THE LICENSE REVIEW PROCESS TO  
17 DETERMINE THE STATUS OF A PARTICULAR LICENSE.

18 (2) IF THERE IS A DELAY IN THE REVIEW PROCESS, THE OFFICE MAY  
19 DEMAND TO KNOW THE REASONS FOR THE DELAY AND THE ACTION REQUIRED TO  
20 END THE DELAY AND SHALL PROVIDE THIS INFORMATION TO THE APPLICANT.

21 (3) THE OFFICE MAY ASSIST THE APPLICANT IN RESOLVING A DISPUTE  
22 WITH AN AGENCY DURING THE APPLICATION PROCESS.

23 (4) IF A REQUEST FOR A LICENSE IS REFUSED, THE OFFICE MAY  
24 EXPLAIN THE RECOURSE AVAILABLE TO THE APPLICANT UNDER TITLE 10 OF THE  
25 STATE GOVERNMENT ARTICLE.

26 3-905.

27 (A) THE OFFICE SHALL IMPLEMENT AND ADMINISTER AN AUTOMATED  
28 MASTER APPLICATION SYSTEM.

29 (B) (1) THE OFFICE SHALL DETERMINE THE LICENSES APPROPRIATE FOR  
30 INCLUSION IN THE MASTER APPLICATION SYSTEM.

31 (2) THE OFFICE MAY NOT INCLUDE ENVIRONMENTAL LICENSES IN THE  
32 MASTER APPLICATION SYSTEM.

33 (C) (1) THE OFFICE SHALL COLLECT FROM EACH APPLICANT THE TOTAL  
34 AMOUNT OF THE FEES FOR THE LICENSES APPLIED FOR THROUGH THE OFFICE.

35 (2) THE OFFICE IS THE REPOSITORY FOR AN ORIGINAL SIGNED  
36 APPLICATION FORM SUBMITTED THROUGH THE OFFICE FOR A LICENSE THAT IS  
37 INCLUDED IN THE MASTER APPLICATION SYSTEM.

1 (3) IF, BASED ON THE INFORMATION SUPPLIED BY THE APPLICANT TO  
2 THE OFFICE, THE OFFICE FAILS TO MAKE APPLICATION FOR A REQUIRED LICENSE,  
3 AND THE APPLICANT DID NOT KNOW THAT THE LICENSE WAS REQUIRED, THE  
4 APPLICANT SHALL NOT BE LIABLE FOR ANY CIVIL OR CRIMINAL PENALTIES OR  
5 DISCIPLINARY ACTION FOR FAILURE TO HAVE THE LICENSE.

6 (4) IF THE FAILURE TO OBTAIN THE LICENSE IS REPORTED TO THE  
7 APPLICANT BY EITHER THE OFFICE OR THE AGENCY ISSUING THE LICENSE, THE  
8 APPLICANT MUST MAKE APPLICATION WITHIN 30 DAYS OR BE SUBJECT TO THE  
9 PENALTIES OR DISCIPLINARY ACTION.

10 (D) (1) THE APPROPRIATE AGENCY SHALL CONTINUE TO DETERMINE  
11 WHETHER A REQUESTED LICENSE SHALL BE ISSUED AND TO ISSUE THE LICENSE IF  
12 THE APPLICATION IS APPROVED BY THE AGENCY.

13 (2) AN APPLICANT WHO RECEIVES WRITTEN NOTIFICATION BY THE  
14 OFFICE THAT A LICENSE REQUESTED THROUGH THE OFFICE IS BEING ISSUED BY  
15 THE APPROPRIATE AGENCY MAY PROCEED WITH THE LICENSED BUSINESS  
16 ACTIVITY WITHOUT HAVING PHYSICAL POSSESSION OF THE ISSUED LICENSE.

17 3-906.

18 (A) EACH STATE AGENCY SHALL COOPERATE FULLY WITH THE OFFICE IN:

19 (1) PROVIDING INFORMATION ON THE LICENSES AND REGULATORY  
20 REQUIREMENTS OF THE AGENCY;

21 (2) COORDINATING CONFERENCES WITH APPLICANTS TO CLARIFY  
22 LICENSE AND REGULATORY REQUIREMENTS; AND

23 (3) DEVELOPING A PLAN FOR AN AUTOMATED MASTER APPLICATION  
24 SYSTEM.

25 (B) (1) EACH AGENCY SHALL DESIGNATE A BUSINESS LICENSE  
26 COORDINATOR.

27 (2) THE BUSINESS LICENSE COORDINATOR SHALL:

28 (I) PROVIDE TO THE OFFICE:

29 1. THE MOST RECENT APPLICATION AND SUPPLEMENTAL  
30 FORMS REQUIRED FOR EACH LICENSE ISSUED BY THE AGENCY;

31 2. THE MOST RECENT INFORMATION ON CHANGES OR  
32 PROPOSED CHANGES IN LICENSE REQUIREMENTS OR AGENCY RULES AND HOW  
33 THOSE CHANGES WILL AFFECT THE BUSINESS COMMUNITY; AND

34 3. AGENCY PUBLICATIONS THAT WOULD BE OF AID OR  
35 INTEREST TO THE BUSINESS COMMUNITY;

36 (II) WORK WITH THE OFFICE IN SCHEDULING CONFERENCES FOR  
37 APPLICANTS AS PROVIDED UNDER § 3-904(C) OF THIS SUBTITLE;

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1 (III) ON REQUEST OF AN APPLICANT OR THE OFFICE, DETERMINE  
2 THE STATUS OF A LICENSE APPLICATION OR RENEWAL, THE REASON FOR ANY  
3 DELAY IN THE LICENSE REVIEW PROCESS, AND THE ACTION NEEDED TO END THE  
4 DELAY AND NOTIFY THE APPLICANT OR OFFICE, AS APPROPRIATE, OF THOSE  
5 FINDINGS;

6 (IV) ON REQUEST, WORK WITH THE OFFICE OR APPLICANT TO  
7 RESOLVE ANY DISPUTE THAT MAY ARISE BETWEEN THE AGENCY AND THE  
8 APPLICANT DURING THE REVIEW PROCESS; AND

9 (V) REVIEW AGENCY REGULATORY AND LICENSE REQUIREMENTS  
10 AND PROVIDE A WRITTEN REPORT TO THE OFFICE THAT:

11 1. IDENTIFIES THE REGULATORY AND LICENSING  
12 REQUIREMENTS THAT AFFECT THE BUSINESS COMMUNITY;

13 2. INDICATES WHICH, IF ANY, REQUIREMENTS SHOULD BE  
14 ELIMINATED, MODIFIED, OR CONSOLIDATED WITH OTHER REQUIREMENTS; AND

15 3. EXPLAINS THE NEED FOR CONTINUING THOSE  
16 REQUIREMENTS NOT RECOMMENDED FOR ELIMINATION.

17 3-907.

18 THE OFFICE MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

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