Unofficial Copy A2 1999 Regular Session 9lr0637

By: Senator Conway

Introduced and read first time: January 22, 1999 Assigned to: Economic and Environmental Affairs

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## A BILL ENTITLED

## 1 AN ACT concerning

## 2 Baltimore City - Board of License Commissioners - Payment for Licenses

- 3 FOR the purpose of requiring in Baltimore City an alcoholic beverages license
- 4 renewal applicant to include a certain payment with the application; providing
- 5 that a license renewal application is incomplete until the Baltimore City Board
- 6 of License Commissioners receives a certain payment; prohibiting the Board
- 7 from issuing a license renewal until the Board receives a certain payment;
- 8 prohibiting a renewal applicant from transferring a renewed license to a third
- 9 party until the Board receives a certain payment; requiring a licensee to make a
- 10 certain payment before placing the license on deposit with the Board;
- designating the Board as the local collecting agent for alcoholic beverages
- 12 license fees in Baltimore City; and generally relating to the Baltimore City
- 13 Board of License Commissioners.
- 14 BY repealing and reenacting, without amendments,
- 15 Article 2B Alcoholic Beverages
- 16 Section 10-301(a)(1) and (j)(1) and 15-112(d)(1)
- 17 Annotated Code of Maryland
- 18 (1998 Replacement Volume and 1998 Supplement)
- 19 BY repealing and reenacting, with amendments,
- 20 Article 2B Alcoholic Beverages
- 21 Section 10-301(j)(2) and 10-504(d)
- 22 Annotated Code of Maryland
- 23 (1998 Replacement Volume and 1998 Supplement)
- 24 BY adding to
- 25 Article 2B Alcoholic Beverages
- 26 Section 15-112(d)(14)
- 27 Annotated Code of Maryland
- 28 (1998 Replacement Volume and 1998 Supplement)

SENATE BILL 110 1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 2 MARYLAND, That the Laws of Maryland read as follows: 3 Article 2B - Alcoholic Beverages 4 10-301. 5 Except in Prince George's County, the holder of any expiring license, (a) (1) 6 other than special licenses issued under the provisions of this article, shall, not less 7 than 30 nor more than 60 days before the first day of May of each and every year, file 8 a written application, duly verified by oath, for the renewal of the license with the official authorized to approve the same. The renewal application shall state that the 10 facts in the original application are unchanged. It shall be accompanied by a 11 statement signed by the owner of the premises consenting to renewal of the license 12 and to search and seizure as in the case of original applications. In the case of retail 13 dealers applying for renewal, the statement of consent by the owner of the premises 14 may not be required if the owner has previously signed such a statement in 15 connection with an original application or previous renewal application giving 16 consent for the term of the owner's lease with the applicant if the lease or renewal 17 does not expire during the term of the renewal license. Upon the filing of the renewal 18 application, and upon payment of the annual fee, the holder of the expiring license is 19 entitled to a new license for another year without the filing of further statements or 20 the furnishing of any further information unless specifically requested by the official authorized to approve the license. A license by way of renewal may not be approved without a hearing before such official if a protest has been filed against the granting 23 of the new license at least 30 days before the expiration of the license for which 24 renewal is sought. This protest shall be (i) signed by not less than ten residents or real 25 estate owners in the immediate vicinity in which the licensed place of business is 26 located; or (ii) instituted by the board of licensing commissioners on its own initiative. 27 If the protest has been filed it shall be heard and determined as in the case of original 28 applications, except in Baltimore City it shall be heard and determined not as in the 29 case of original application in regard to zoning but only on a specific complaint as to 30 the operation of the licensee's establishments. 31 In Baltimore City, unless a licensee presents to the Board of Liquor (i) 32 License Commissioners by June 30 of the respective year, a certificate issued by the 33 Director of Finance, showing that there are no unpaid taxes on the merchandise, 34 fixtures and stock of the applicant due to the City of Baltimore or the State of 35 Maryland, the renewal license shall be immediately suspended without a hearing but 36 thereafter shall be immediately returned without a hearing upon presentation of such 37 a certificate.

38 (2) (i) Each year, between March 1 and March 31, both inclusive, each 39 licensee shall file an application for license renewal, AND FILE WITH THE

40 APPLICATION A CERTIFIED CHECK OR MONEY ORDER FOR THE FULL COST OF THE

41 LICENSE, with the Board.

42 (ii) A license renewal application received by the Board after March 43 31 may be subject to:

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1			1.	Rejection; or
2 3	late, not to exceed \$1	,500.	2.	A late charge of \$50 for each day the application is filed
4 5	UNDER SUBPARA	(III) GRAPH (		THE BOARD RECEIVES PAYMENT FOR THE LICENSE IIS PARAGRAPH:
6			1.	A LICENSE RENEWAL APPLICATION IS INCOMPLETE;
7			2.	THE BOARD MAY NOT ISSUE THE RENEWED LICENSE; AND
8 9	RENEWED LICENS	SE TO A	3. THIRD F	THE RENEWAL APPLICANT MAY NOT TRANSFER THE PARTY.
10	10-504.			
11 12	(d) (1) In Baltimore City, an alcoholic beverage license may be placed on deposit with the Board of License Commissioners for not more than 180 days if:			
13		(i)	The lice	ensee experiences a personal or financial hardship;
14 15	[and]	(ii)	The lice	ensee has not been evicted from the licensed premises;
16 17	purpose; AND	(iii)	The lice	ensed premises is not being used for any other business
18 19	(IV) THE LICENSE HAS PAID THE FULL COST OF THE LICENSE BY CERTIFIED CHECK OR MONEY ORDER TO THE BOARD.			
20 21	(2) The license expires after 180 days unless one of the following applications is approved or is pending approval:			
22 23	another location or a	(i) assignmen		ication for approval of a transfer of the license to ner person under § 10-503 of this subtitle; or
24 25	(ii) Application for permission to continue the business after death of the licensee under § 10-506 of this subtitle.			
26	15-112.			
27	(d) (1)	This sul	osection a	applies only in Baltimore City.
28 29	(14) THIS ARTICLE.	THE BO	OARD SI	HALL COLLECT THE LICENSE FEES PROVIDED FOR IN
30 31	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.			