

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 95

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "issued" insert "or renewed"; strike beginning with "requiring" in line 4 down through "circumstances;" in line 5 and substitute "expanding the circumstances under which the Comptroller may deny a license to any applicant, reprimand a licensee, or suspend or revoke a license; requiring the Comptroller to grant a waiver from certain provisions of this Act to certain persons under certain circumstances;"; and in line 9, strike "16-205" and substitute "16-210".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 15 on page 1 through line 12 on page 2 and substitute:

"16-210.

(a) Subject to the hearing provisions of § 16-211 of this subtitle, the Comptroller may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another person;

(2) fraudulently or deceptively uses a license;

(3) fails to comply with the Maryland Cigarette Sales Below Cost Act or regulations adopted under that Act; [or]

(4) buys cigarettes for resale:

(i) in violation of a license; or

(Over)

(ii) from a person who is not a cigarette manufacturer, licensed subwholesaler, licensed vending machine operator, or licensed wholesaler;

(5) IS CONVICTED, UNDER THE LAWS OF THE UNITED STATES OR OF ANY OTHER STATE, OF:

(I) A FELONY; OR

(II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE; OR

(6) HAS NOT PAID A TAX DUE BEFORE OCTOBER 1 OF THE YEAR AFTER THE TAX BECAME DUE.

(b) Subject to the hearing provisions of § 16-211 of this subtitle, the Comptroller may suspend or revoke a license if the licensee violates:

(1) Title 12 of the Tax - General Article, or regulations adopted under that title;

or

(2) Title 16 of the Business Regulation Article, or regulations adopted under that

title.

(c) Subject to the hearing provisions of § 16-211 of this subtitle, the Comptroller shall deny a license to any applicant who has had a license revoked under this section until:

(1) 1 year has passed since the license was revoked; and

(2) it satisfactorily appears to the Comptroller that the applicant will comply with this title and any regulations adopted under this title.

(D) PRIOR TO THE ISSUANCE OR RENEWAL OF ANY LICENSE, THE COMPTROLLER SHALL CONDUCT AN INVESTIGATION WITH REGARD TO:

- (1) THE APPLICANT;
- (2) THE BUSINESS TO BE OPERATED; AND
- (3) THE FACTS SET FORTH IN THE APPLICATION.”.

AMENDMENT NO. 3

On page 2, after line 12, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Comptroller shall grant a waiver from the provisions of § 16-210(a)(5) of the Business Regulation Article to any individual who is licensed under Title 16 of the Business Regulation Article as of the effective date of this Act for a conviction occurring prior the effective date of this Act.”;

and in line 13, strike “2.” and substitute “3.”.