

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 128

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Transfer of"; in line 6, after "transfer;" insert "repealing certain provisions regarding the expiration of a license in Baltimore City; establishing that a license in Baltimore City shall automatically expire under certain circumstances; establishing standards and procedures for extending the date of an automatic expiration of a license; providing that the time period after which certain licenses may be deemed unexpired begins on a certain date;"; in line 6, strike "the transfer of"; and after line 17, insert:

"BY repealing

Article 2B - Alcoholic Beverages

Section 10-504(d)

Annotated Code of Maryland

(1998 Replacement Volume and 1999 Supplement)

BY adding to

Article 2B - Alcoholic Beverages

Section 10-504(d)

Annotated Code of Maryland

(1998 Replacement Volume and 1999 Supplement)".

AMENDMENT NO. 2

On page 2, after line 9, insert:

"10-504.

[(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:

(Over)

(i) The licensee experiences a personal or financial hardship;
(ii) The licensee has not been evicted from the licensed premises; and
(iii) The licensed premises is not being used for any other business purpose.

(2) The license expires after 180 days unless one of the following applications is approved or is pending approval:

(i) An application for approval of a transfer of the license to another location or assignment to another person under § 10-503 of this subtitle; or

(ii) Application for permission to continue the business after the death of the licensee under § 10-506 of this subtitle.]

(D) (1) (I) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

(II) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS OR THE OFFICE OF THE COMPTROLLER, WHICHEVER IS THE ISSUING PARTY.

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

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

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

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

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

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

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

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

(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED UNDER PARAGRAPH (2)(I) OR (II) OF THIS SUBSECTION; OR

(III) FINAL JUDGMENT OF THE APPELLATE COURT WHEN JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST

(Over)

AUTHORIZED BY PARAGRAPH (2) OR (3) OF THIS SUBSECTION HAS BEEN SOUGHT, OR ON DISMISSAL OF A PETITION FOR JUDICIAL REVIEW.

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

AMENDMENT NO. 3

On page 2, in line 10, after “That” insert, “notwithstanding the provisions of Section 1 of this Act, for an alcoholic beverages licensee holding a license on the effective date of this Act who has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the time period for which the license may be deemed unexpired under Article 2B, § 10-504(d)(2) as enacted by Section 1 of this Act begins on the effective date of this Act.”

SECTION 3. AND BE IT FURTHER ENACTED, That”; and in line 11, strike “October” and substitute “July”.