
By: **Delegates Walkup, W. Baker, and Guns**
Introduced and read first time: January 27, 2000
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County - Alcoholic Beverages - Issuance of Licenses**

3 FOR the purpose of altering the periods of time during which the Kent County Board
4 of License Commissioners may not issue a new alcoholic beverages license for
5 use on certain premises; establishing that the prohibition against the Board
6 issuing a new alcoholic beverages license during certain periods of time for use
7 on certain premises does not apply under certain circumstances; and generally
8 relating to the issuance of alcoholic beverages licenses in Kent County.

9 BY repealing and reenacting, without amendments,
10 Article 2B - Alcoholic Beverages
11 Section 10-208(a)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1999 Supplement)

14 BY adding to
15 Article 2B - Alcoholic Beverages
16 Section 10-208(j)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1999 Supplement)

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

21 **Article 2B - Alcoholic Beverages**

22 10-208.

23 (a) (1) If a license is refused, except as provided in this section, other
24 applications may not be considered from the applicant or for the premises, as the case
25 may be, for a period of six months. If a subsequent application by the same applicant
26 or for the same premises is refused within the two-year period immediately following
27 the date of the first refusal, then other applications may not be considered from the

1 applicant or for the premises, as the case may be, until the two-year period has
2 elapsed.

3 (2) This section does not hold against:

4 (i) An applicant where a license was refused on the grounds it was
5 not necessary for the accommodation of the public or because the premises were not
6 suitable to the sale of alcoholic beverages under the license applied for; or

7 (ii) The premises set forth in an application when the license
8 applied for was refused because the applicant personally was determined not to be a
9 proper person to be issued the license applied for. In Charles County, the limitations
10 of this section are not applicable to the refusal of a license on the grounds the license
11 was not necessary for the accommodation of the public, because the premises were not
12 suitable for sales of alcoholic beverages under the license applied for, or to the refusal
13 of a license because the applicant was determined not to be a proper licensee.

14 (J) (1) IN KENT COUNTY:

15 (I) IF AN APPLICATION FOR A LICENSE IS REFUSED, THEN THE
16 BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE FOR THE SAME
17 PREMISES UNTIL A YEAR EXPIRES FROM THE DATE OF REFUSAL; AND

18 (II) IF A SUBSEQUENT APPLICATION FOR THE SAME PREMISES IS
19 REFUSED, THEN THE BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE
20 FOR THE SAME PREMISES UNTIL 2 YEARS EXPIRE FROM THE DATE OF THE SECOND
21 REFUSAL.

22 (2) THIS SUBSECTION DOES NOT APPLY TO APPLICATIONS:

23 (I) THAT ARE REJECTED BECAUSE OF A LEGAL DEFECT OR AN
24 OMISSION;

25 (II) THAT ARE REFUSED SOLELY AND EXPRESSLY BECAUSE THE
26 PRIOR APPLICANT PERSONALLY WAS DETERMINED NOT TO BE A PROPER PERSON TO
27 WHOM THE LICENSE APPLIED FOR SHOULD BE ISSUED; OR

28 (III) FOR LICENSE TRANSFERS.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2000.