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

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 14, 2000

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CHAPTER \_\_\_\_\_

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:

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**Article 2B - Alcoholic Beverages**

2 10-208.

3 (a) (1) If a license is refused, except as provided in this section, other  
4 applications may not be considered from the applicant or for the premises, as the case  
5 may be, for a period of six months. If a subsequent application by the same applicant  
6 or for the same premises is refused within the two-year period immediately following  
7 the date of the first refusal, then other applications may not be considered from the  
8 applicant or for the premises, as the case may be, until the two-year period has  
9 elapsed.

10 (2) This section does not hold against:

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

14 (ii) The premises set forth in an application when the license  
15 applied for was refused because the applicant personally was determined not to be a  
16 proper person to be issued the license applied for. In Charles County, the limitations  
17 of this section are not applicable to the refusal of a license on the grounds the license  
18 was not necessary for the accommodation of the public, because the premises were not  
19 suitable for sales of alcoholic beverages under the license applied for, or to the refusal  
20 of a license because the applicant was determined not to be a proper licensee.

21 (J) (1) IN KENT COUNTY:

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

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

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

30 (I) THAT ARE REJECTED BECAUSE OF A LEGAL DEFECT OR AN  
31 OMISSION;

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

35 (III) FOR LICENSE TRANSFERS.

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

