

SENATE BILL 128

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2000 Regular Session
0lr1182

By: **Senator Della**

Introduced and read first time: January 17, 2000

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2000

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - ~~Transfer of Licenses~~**

3 FOR the purpose of requiring in Baltimore City that a transfer of any alcoholic
4 beverages license be completed in not more than a certain amount of time after
5 the Board of Liquor License Commissioners for Baltimore City approves the
6 transfer; repealing certain provisions regarding the expiration of a license in
7 Baltimore City; establishing that a license in Baltimore City shall automatically
8 expire under certain circumstances; establishing standards and procedures for
9 extending the date of an automatic expiration of a license; providing that the
10 time period after which certain licenses may be deemed unexpired begins on a
11 certain date; and generally relating to the transfer of alcoholic beverages
12 licenses in Baltimore City.

13 BY repealing and reenacting, without amendments,
14 Article 2B - Alcoholic Beverages
15 Section 10-503(a)(1)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 2B - Alcoholic Beverages
20 Section 10-503(d)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1999 Supplement)

23 BY repealing
24 Article 2B - Alcoholic Beverages

1 Section 10-504(d)
 2 Annotated Code of Maryland
 3 (1998 Replacement Volume and 1999 Supplement)

4 BY adding to
 5 Article 2B - Alcoholic Beverages
 6 Section 10-504(d)
 7 Annotated Code of Maryland
 8 (1998 Replacement Volume and 1999 Supplement)

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

11 **Article 2B - Alcoholic Beverages**

12 10-503.

13 (a) (1) In this section, "board" means the board of license commissioners or
 14 liquor control board, as the case may be, of the county or Baltimore City.

15 (d) (1) This subsection applies only in Baltimore City.

16 (2) A transfer of any license may only be made as authorized in
 17 subsection (a) of this section if the Board has presented to it a receipt or certificate
 18 from the Director of Finance showing there are no unpaid taxes on the merchandise,
 19 fixtures, and stock of the transferor due to the City of Baltimore or the State of
 20 Maryland.

21 (3) (i) Subject to subparagraph (ii) of this paragraph, the fee for
 22 transfer or assignment of a license is \$100 in addition to the cost of publication and
 23 notice and any hearing fees required.

24 (ii) A Class C licensee may transfer or assign one license during a
 25 license year without paying a fee.

26 (4) A TRANSFER OF ANY LICENSE SHALL BE COMPLETED NOT MORE
 27 THAN 180 DAYS AFTER THE BOARD APPROVES THE TRANSFER.

28 10-504.

29 [(d) (1) In Baltimore City, an alcoholic beverage license may be placed on
 30 deposit with the Board of License Commissioners for not more than 180 days if:

31 (i) The licensee experiences a personal or financial hardship;

32 (ii) The licensee has not been evicted from the licensed premises;

33 and

1 (iii) The licensed premises is not being used for any other business
2 purpose.

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

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

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

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

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

13 (2) 180 DAYS AFTER THE HOLDER OF ANY LICENSE ISSUED UNDER THE
14 PROVISIONS OF THIS ARTICLE HAS CLOSED THE BUSINESS OR CEASED ACTIVE
15 ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE
16 LICENSE IS HELD, THE LICENSE SHALL EXPIRE UNLESS:

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

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

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

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

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

35 (5) IT IS THE INTENT OF THIS SUBSECTION THAT THE TOTAL TIME
36 PERIOD FOR WHICH A LICENSE MAY BE DEEMED UNEXPIRED UNDER PARAGRAPH (2)
37 OF THIS SUBSECTION IS 180 DAYS IF NO UNDUE HARDSHIP EXTENSION IS GRANTED,
38 AND NO MORE THAN 360 DAYS IF AN UNDUE HARDSHIP EXTENSION HAS BEEN

1 GRANTED. THE TIME PERIOD BEGINS AT THE EARLIER OF THE CLOSING OF THE
2 BUSINESS OR CESSATION OF ALCOHOLIC BEVERAGES BUSINESS, AND SHALL BE
3 TOLLED ONLY UPON THE FILING OF AN APPLICATION OR REQUEST DESCRIBED IN
4 PARAGRAPH (2) OF THIS SUBSECTION. THE EXPIRATION PERIOD TO BEGIN RUNNING
5 AGAIN, CUMULATIVELY TO THE TIME PERIOD BEFORE THE FILING OF THE
6 APPLICATION OR REQUEST, UPON THE OCCURRENCE OF THE LATER TO OCCUR OF
7 THE FOLLOWING EVENTS:

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

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

12 (III) FINAL JUDGMENT OF THE APPELLATE COURT WHEN JUDICIAL
13 REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY
14 PARAGRAPH (2) OR (3) OF THIS SUBSECTION HAS BEEN SOUGHT, OR ON DISMISSAL OF
15 A PETITION FOR JUDICIAL REVIEW.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding the
21 provisions of Section 1 of this Act, for an alcoholic beverages licensee holding a license
22 on the effective date of this Act who has closed the business or ceased active alcoholic
23 beverages business operations of the business for which the license is held, the time
24 period for which the license may be deemed unexpired under Article 2B, §
25 10-504(d)(2) as enacted by Section 1 of this Act begins on the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect ~~October~~ July 1, 2000.