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15 16 2001 Regular Session (1lr2011)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by Delegate Arnick						
	Read and Examined by Proofreaders:					
		Proofreader.				
Sealed with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.						
		Speaker.				
	CHAPTER					
1 A	AN ACT concerning					
2	Alcoholic Beverages - Licenses - Issuance and Transfer					
3 H	FOR the purpose of requiring an applicant for an alcoholic beverages license or the transfer of a license to demonstrate to the appropriate board of license					
5	commissioners that certain criteria have been met; requiring a board of license					
6	<u>commissioners</u> to consider certain criteria in approving the issuance or transfer					
7						
8	apply in Baltimore City, Harford County, or St. Mary's County; authorizing a					
-	9 board to consider certain criteria in approving the issuance or transfer of a					
10 11	license; clarifying a certain provision; and generally relating to the issuance or transfer of an alcoholic beverages license.					
12	BY repealing and reenacting, without amendments,					
13	Article 2B - Alcoholic Beverages					
14	Section 10-202(a)(1)					

Annotated Code of Maryland (1998 Replacement Volume and 2000 Supplement)

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1 2 3 4 5	Section 10-202(a)(2) and 10-503(a)(2) Annotated Code of Maryland						
6 7	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
8	Article 2B - Alcoholic Beverages						
9	10-202.						
	(a) (1) (i) Before the Board of License Commissioners for Baltimore City or any county approves any application for a license, the Board shall cause a notice of the application to be published two times in two successive weeks:						
13 14	1. For Baltimore City licensee applicants - in three newspapers of general circulation in Baltimore City.						
	2. For county licensee applicants - in two newspapers of general circulation in the county where two newspapers are published, and if not, then in one newspaper having a general circulation in the county.						
20	(ii) The notice shall specify the name of the applicant, the kind of license for which application is made, the location of the place of business proposed to be licensed, and the time and place fixed by the Board for a hearing on the application.						
22 23	(iii) The hearing may not be less than seven nor more than 30 days after the last publication.						
	(iv) At the time fixed by the notice for a hearing on the application or on any postponement of the time, any person shall be heard on either side of the question.						
27 28	(2) (i) <u>THIS PARAGRAPH DOES NOT APPLY IN BALTIMORE CITY,</u> <u>HARFORD COUNTY, OR ST. MARY'S COUNTY.</u>						
31	1. AN APPLICANT FOR A NEW LICENSE SHALL DEMONSTRATE TO THE SATISFACTION OF THE BOARD THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC AT THE PROPOSED LOCATION WHERE THE LICENSE WILL APPLY.						
33 34	2. IN DETERMINING WHETHER THE APPLICANT HAS DEMONSTRATED THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC						

35 AT THE PROPOSED LICENSE LOCATION, THE BOARD SHALL CONSIDER:

1	
2	A. THE NUMBER AND LOCATION OF EXISTING LICENSES IN THE SURROUNDING MARKET AREA;
3 4	B. THE EFFECT OF A SATURATION OF LICENSES IN THE SURROUNDING MARKET AREA ON EXISTING LICENSEES; AND
7 8 9	C. THE POTENTIAL EFFECT OF THE NEW LICENSE AT THE PROPOSED LICENSE LOCATION ON THE ACCOMMODATION OF THE PUBLIC IN THE SURROUNDING MARKET AREA IN LIGHT OF THE PURPOSES OF REGULATING THE SALE AND DISPENSING OF ALCOHOLIC BEVERAGES, WHICH ARE TO PROMOTE TEMPERANCE AND TO LIMIT COMPETITION WHILE PROVIDING ORDERLY, APPROPRIATE, AND USEFUL SERVICE AND CONVENIENCE TO THE PUBLIC.
	3. IN DETERMINING WHETHER THE APPLICANT HAS DEMONSTRATED THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC AT THE PROPOSED LICENSE LOCATION, THE BOARD MAY CONSIDER:
	A. THE AMOUNT AND VOLUME OF ALCOHOLIC BEVERAGES SALES IN THE SURROUNDING MARKET AREA, INCLUDING ANY INCREASE OR DECREASE IN SALES AND THE STABILITY OF SALES BY EXISTING LICENSEES;
17 18	B. THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE SERVICES AND PRODUCTS TO BE OFFERED BY THE APPLICANT'S BUSINESS;
	C: THE GENERAL MARKET NEED IN ADDITION TO THE ACTUAL NEED AND DESIRE FOR SERVICE OR CONVENIENCE FOR RESIDENTS AND BUSINESSES IN THE SURROUNDING MARKET AREA; OR
24	D. THE POTENTIAL IMPACT ON THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY IN THE SURROUNDING MARKET AREA, INCLUDING ISSUES RELATING TO CRIME, TRAFFIC HAZARDS OR CONGESTION, AND SAFE AND ADEQUATE PARKING
26 27	(II) BEFORE APPROVING AN APPLICATION AND ISSUING A LICENSE, THE BOARD SHALL CONSIDER:
28	1. THE PUBLIC NEED AND DESIRE FOR THE LICENSE;
	2. THE NUMBER AND LOCATION OF EXISTING LICENSEES AND THE POTENTIAL EFFECT ON EXISTING LICENSEES OF THE LICENSE APPLIED FOR;
32 33	3. THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE SERVICES AND PRODUCTS TO BE OFFERED BY THE APPLICANT'S BUSINESS;
	4. THE IMPACT ON THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, INCLUDING ISSUES RELATING TO CRIME, TRAFFIC CONDITIONS, PARKING, OR CONVENIENCE; AND

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1 2	THE BOARD.	<u>5.</u>	ANY OTHER NECESSARY FACTORS AS DETERMINED BY			
	(II) which application is made shaped the City or any county determined to the City of the		The application shall be disapproved and the license for sed if the Board of License Commissioners for			
6 7	accommodation of the public	1. c;	The granting of the license is not necessary for the			
8 9	which application is made;	2.	The applicant is not a fit person to receive the license for			
10 11	application;	3.	The applicant has made a material false statement in his			
12 13	application;	4.	The applicant has practiced fraud in connection with the			
	5. The operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located; or					
17 18	why the license should not l	6. be issued.	There are other reasons, in the discretion of the Board,			
21	[(ii)] (III) (IV) Except as otherwise provided in this section, if no such findings are made by the Board, then the application shall be approved and the license issuing authority shall issue the license for which application is made upon payment of the fee required to the local collecting agent.					
23	10-503.					
26	(a) (2) Any holder of a license under this article, including a receiver or trustee for the benefit of creditors, may be permitted to transfer the holder's place of business to some other location or sell or assign the license and transfer the holder's stock in trade to another person, but only if:					
28	(i)	An app	lication for the transfer or sale has been made;			
29 30	(ii) have been paid to the Comp		il sales, amusement, admission, and withholding taxes he Treasury of the State;			
	(iii) A bulk transfer permit is obtained if the stock of alcoholic beverages is to be transferred whether by sale, gift, inheritance, assignment, or otherwise, and irrespective of whether or not consideration is paid; and					
34 35	(iv) the case of an original appli		w location or assignee is approved BY THE BOARD as in such a license UNDER § 10-202 OF THIS TITLE.			

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 2001.