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2001 Regular Session 1lr2011

By: Delegate Arnick Introduced and read first time: February 1, 2001 Assigned to: Economic Matters												
							Committee Report: Favorable with amendments					
							House action: Adopted					
Read second time: March 19, 2001												
CHAPTER												
1 AN ACT concerning												
2 Alcoholic Beverages - Licenses - Issuance and Transfer												
3 FOR the purpose of requiring an applicant for an alcoholic beverages license or the												
4 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												
of a license; authorizing a board to consider certain criteria in approving the												
8 issuance or transfer of a license; clarifying a certain provision; and generally												
9 relating to the issuance or transfer of an alcoholic beverages license.												
10 BY repealing and reenacting, without amendments,												
11 Article 2B - Alcoholic Beverages												
12 Section 10-202(a)(1)												
Annotated Code of Maryland												
14 (1998 Replacement Volume and 2000 Supplement)												
15 BY repealing and reenacting, with amendments,												
16 Article 2B - Alcoholic Beverages												
17 Section 10-202(a)(2) and 10-503(a)(2)												
Annotated Code of Maryland												
19 (1998 Replacement Volume and 2000 Supplement)												

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

1 Article 2B - Alcoholic Beverages 2 10-202. 3 (a) (1) Before the Board of License Commissioners for Baltimore City (i) or any county approves any application for a license, the Board shall cause a notice of 5 the application to be published two times in two successive weeks: For Baltimore City licensee applicants - in three 6 1. 7 newspapers of general circulation in Baltimore City. 8 For county licensee applicants - in two newspapers of 2. general circulation in the county where two newspapers are published, and if not, 10 then in one newspaper having a general circulation in the county. 11 The notice shall specify the name of the applicant, the kind of 12 license for which application is made, the location of the place of business proposed to 13 be licensed, and the time and place fixed by the Board for a hearing on the 14 application. 15 The hearing may not be less than seven nor more than 30 days (iii) 16 after the last publication. 17 At the time fixed by the notice for a hearing on the application 18 or on any postponement of the time, any person shall be heard on either side of the question. 20 AN APPLICANT FOR A NEW LICENSE SHALL (2) (i) 21 DEMONSTRATE TO THE SATISFACTION OF THE BOARD THAT THE LICENSE IS 22 NECESSARY TO ACCOMMODATE THE PUBLIC AT THE PROPOSED LOCATION WHERE 23 THE LICENSE WILL APPLY. 24 IN DETERMINING WHETHER THE APPLICANT HAS 25 DEMONSTRATED THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC 26 AT THE PROPOSED LICENSE LOCATION, THE BOARD SHALL CONSIDER: THE NUMBER AND LOCATION OF EXISTING LICENSES IN 27 **A**. 28 THE SURROUNDING MARKET AREA; В. THE EFFECT OF A SATURATION OF LICENSES IN THE 30 SURROUNDING MARKET AREA ON EXISTING LICENSEES; AND C. THE POTENTIAL EFFECT OF THE NEW LICENSE AT THE 31 32 PROPOSED LICENSE LOCATION ON THE ACCOMMODATION OF THE PUBLIC IN THE 33 SURROUNDING MARKET AREA IN LIGHT OF THE PURPOSES OF REGULATING THE 34 SALE AND DISPENSING OF ALCOHOLIC BEVERAGES, WHICH ARE TO PROMOTE 35 TEMPERANCE AND TO LIMIT COMPETITION WHILE PROVIDING ORDERLY,

36 APPROPRIATE, AND USEFUL SERVICE AND CONVENIENCE TO THE PUBLIC.

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		TERMINING WHETHER THE APPLICANT HAS NECESSARY TO ACCOMMODATE THE PUBLIC THE BOARD MAY CONSIDER:
	4 A. THE A 5 SALES IN THE SURROUNDING MARKET 6 DECREASE IN SALES AND THE STABILITY	
7 8	7 B. THE I 8 SERVICES AND PRODUCTS TO BE OFFER	POTENTIAL COMMONALITY OR UNIQUENESS OF THE RED BY THE APPLICANT'S BUSINESS;
		GENERAL MARKET NEED IN ADDITION TO THE CE OR CONVENIENCE FOR RESIDENTS AND RKET AREA; OR
14 15	3 SAFETY, AND WELFARE OF THE COMM 4 INCLUDING ISSUES RELATING TO CRIM	COTENTIAL IMPACT ON THE GENERAL HEALTH, UNITY IN THE SURROUNDING MARKET AREA, IE, TRAFFIC HAZARDS OR CONGESTION, AND IE APPROVING AN APPLICATION AND ISSUING IER:
17	7 <u>1.</u> <u>THE I</u>	PUBLIC NEED AND DESIRE FOR THE LICENSE;
	-	NUMBER AND LOCATION OF EXISTING LICENSEES YING LICENSEES OF THE LICENSE APPLIED
21 22	21 <u>3. THE B</u> 22 SERVICES AND PRODUCTS TO BE OFFE	POTENTIAL COMMONALITY OR UNIQUENESS OF THE RED BY THE APPLICANT'S BUSINESS;
		MPACT ON THE GENERAL HEALTH, SAFETY, AND DING ISSUES RELATING TO CRIME, TRAFFIC NCE; AND
26 27	26 <u>5. ANY</u> 27 <u>THE BOARD</u> .	OTHER NECESSARY FACTORS AS DETERMINED BY
	(II) The application application is made shall be refused if the Boa City or any county determines that:	shall be disapproved and the license for which rd of License Commissioners for the
31 32	The graze accommodation of the public;	anting of the license is not necessary for the
33 34	The ap 2. The ap 34 which application is made;	oplicant is not a fit person to receive the license for
35 36	3. The apage 3. The apage 3.	oplicant has made a material false statement in his

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1 2	application;	4.	The applicant has practiced fraud in connection with the		
	unduly disturb the peace of the business is to be located; or	5. resident	The operation of the business, if the license is granted, will s of the neighborhood in which the place of		
6 7	why the license should not be i	6. ssued.	There are other reasons, in the discretion of the Board,		
10	[(ii)] (III) 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.				
12	10-503.				
15	(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:				
17	(i)	An appl	ication for the transfer or sale has been made;		
18 19	(ii) have been paid to the Comptro		l sales, amusement, admission, and withholding taxes to Treasury of the State;		
	0 (iii) A bulk transfer permit is obtained if the stock of alcoholic 1 beverages is to be transferred whether by sale, gift, inheritance, assignment, or 2 otherwise, and irrespective of whether or not consideration is paid; and				
23 24			location or assignee is approved BY THE BOARD as in such a license UNDER § 10-202 OF THIS TITLE.		
25 26	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.				