
By: **Senator Della**

Introduced and read first time: January 18, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - License Extension**

3 FOR the purpose of authorizing the Board of Liquor License Commissioners for
4 Baltimore City under certain circumstances to grant an extension to the life of
5 alcoholic beverages licenses for a period that the Board determines to be
6 appropriate due to certain circumstances; and generally relating to alcoholic
7 beverages licenses in Baltimore City.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 10-504(d)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

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

15 **Article 2B - Alcoholic Beverages**

16 10-504.

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

18 (ii) In this subsection, "Board" means the Board of License
19 Commissioners or the Office of the Comptroller, whichever is the issuing party.

20 (2) 180 days after the holder of any license issued under the provisions of
21 this article has closed the business or ceased active alcoholic beverages business
22 operations of the business for which the license is held, the license shall expire unless:

23 (i) An application for approval of a transfer to another location or
24 an application for assignment to another person pursuant to § 10-503(d) of this
25 subtitle has been approved or is then pending;

26 (ii) An application pursuant to § 10-506 of this subtitle has been
27 approved or is then pending; or

1 (iii) A written request for a hardship extension, as provided in this
2 subsection, is filed within the 180-day period.

3 (3) The licensee or other appropriate interested parties may make a
4 written request to the Board for an extension of the life of the license due to undue
5 hardship, for a time period of no more than a cumulative period of 360 days after the
6 date of closing or cessation of alcoholic beverages business operations of the business
7 for which the license is held.

8 (4) After a hearing conducted on the extension request, on a finding that
9 undue hardship currently exists causing the closing or cessation of business
10 operations, the Board may grant an extension of the life of the license for a time
11 period not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

12 (5) It is the intent of this subsection that the total time period for which
13 a license may be deemed unexpired under paragraph (2) of this subsection is 180 days
14 if no undue hardship extension is granted, and no more than 360 days if an undue
15 hardship extension has been granted. The time period begins at the earlier of the
16 closing of the business or cessation of alcoholic beverages business, and shall be tolled
17 only upon the filing of an application or request described in paragraph (2) of this
18 subsection, the expiration period to begin running again, cumulatively to the time
19 period before the filing of the application or request, upon the occurrence of the later
20 to occur of the following events:

21 (i) Final action of the Board granting or denying a request
22 authorized by paragraph (3) of this subsection;

23 (ii) Final action of the Board denying an application described
24 under paragraph (2)(i) or (ii) of this subsection; or

25 (iii) Final judgment of the appellate court when judicial review of
26 the Board's action on an application or request authorized by paragraph (2) or (3) of
27 this subsection has been sought, or on dismissal of a petition for judicial review.

28 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF
29 ALL LICENSE FEES HAVE BEEN PAID TO DATE, THE BOARD MAY GRANT AN
30 EXTENSION OF THE PERIOD THE LICENSE IS DEEMED UNEXPIRED FOR A TIME THAT
31 THE BOARD DETERMINES TO BE APPROPRIATE DUE TO BANKRUPTCY, FIRE,
32 NATURAL DISASTER, DISPLACEMENT BY CONDEMNATION, OR OTHER UNUSUAL
33 CIRCUMSTANCE.

34 [(6)] (7) If an application or request to the Board described in paragraph
35 (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for
36 automatic expiration of the license and it shall be deemed as if no such application or
37 request was filed.

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