
By: **Delegate Harrison**

Introduced and read first time: February 6, 2002

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2002

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages - Protest Against License Renewal - Commercial**
3 **Tenants**

4 FOR the purpose of adding certain commercial tenants to the list of persons who may
5 sign a certain protest against the renewal of certain alcoholic beverages licenses;
6 making certain stylistic changes; and generally relating to the renewal process
7 for alcoholic beverages licenses.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 10-301(a)(1) and 10-302(g)
11 Annotated Code of Maryland
12 (2001 Replacement Volume)

13 BY repealing and reenacting, without amendments,
14 Article 2B - Alcoholic Beverages
15 Section 10-301(a-1)
16 Annotated Code of Maryland
17 (2001 Replacement Volume)

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

1 **Article 2B - Alcoholic Beverages**

2 10-301.

3 (a) (1) (I) Except in Prince George's County, the holder of any expiring
4 license, other than special licenses issued under the provisions of this article, shall,
5 not less than 30 nor more than 60 days before the first day of May of each and every
6 year, file a written application, duly verified by oath, for the renewal of the license
7 with the official authorized to approve the same.

8 (II) 1. The renewal application shall state that the facts in the
9 original application are unchanged.

10 2. It shall be accompanied by a statement signed by the
11 owner of the premises consenting to renewal of the license and to search and seizure
12 as in the case of original applications.

13 3. In the case of retail dealers applying for renewal, the
14 statement of consent by the owner of the premises may not be required if the owner
15 has previously signed such a statement in connection with an original application or
16 previous renewal application giving consent for the term of the owner's lease with the
17 applicant if the lease or renewal does not expire during the term of the renewal
18 license.

19 4. Upon the filing of the renewal application, and upon
20 payment of the annual fee, the holder of the expiring license is entitled to a new
21 license for another year without the filing of further statements or the furnishing of
22 any further information unless specifically requested by the official authorized to
23 approve the license.

24 (III) A license by way of renewal may not be approved without a
25 hearing before such official if a protest has been filed against the granting of the new
26 license at least 30 days before the expiration of the license for which renewal is
27 sought.

28 (IV) This protest shall be:

29 [(i)] 1. [signed] SIGNED by not less than ten residents,
30 COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR ANY
31 LICENSE ISSUED UNDER THIS ARTICLE, or real estate owners in the immediate
32 vicinity in which the licensed place of business is located; or

33 [(ii)] 2. [instituted] INSTITUTED by the board of licensing
34 commissioners on its own initiative.

35 (V) If the protest has been filed it shall be heard and determined as
36 in the case of original applications, except in Baltimore City it shall be heard and
37 determined not as in the case of original application in regard to zoning but only on a
38 specific complaint as to the operation of the licensee's establishments.

1 (a-1) In Prince George's County, the procedures for the renewal of applications,
2 protests, and hearings are provided in § 10-302 of this article.

3 10-302.

4 (g) (1) A protest against the renewal of a license may be filed with the
5 Prince George's County Board of License Commissioners.

6 (2) If a protest is filed, the license shall not be renewed without a
7 hearing before the Board of License Commissioners.

8 (3) All protests shall be filed with the Board no later than March 1 of the
9 year in which the license expires.

10 (4) The protest shall:

11 (i) Be signed by not less than 10 residents, COMMERCIAL TENANTS
12 WHO ARE NOT HOLDERS OF OR APPLICANTS FOR ANY LICENSE ISSUED UNDER THIS
13 ARTICLE, or real estate owners in the immediate vicinity in which the licensed place
14 of business is located; [or]

15 (ii) Be instituted by the Board of License Commissioners on its own
16 initiative; or

17 (iii) Be instituted by the municipality in which the licensed place of
18 business is located subsequent to a public hearing being held by that municipality
19 concerning the license renewal protest.

20 (5) The Board of License Commissioners shall hold a hearing on the
21 protest as in the case of an original application.

22 (6) If an application for transfer is filed and pending with the Board of
23 License Commissioners which meets the residency requirements provided for in §
24 9-101 of this article, the license shall be renewed for the 1985-1986 renewal period.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2002.