
By: **Senator Hafer**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County - Alcoholic Beverages - License Expiration**

3 FOR the purpose of establishing that in Allegany County an alcoholic beverages
4 license expires on a certain date after the licensee has closed the business or
5 ceased active alcoholic business operations; providing for exceptions to certain
6 expiration provisions; specifying certain conditions under which a written
7 request for a license extension due to undue hardship may be filed with the
8 Board of License Commissioners; authorizing the Board of License
9 Commissioners under certain circumstances to grant an extension not exceeding
10 a certain period; specifying that the total period for which a license may be
11 deemed unexpired may not exceed a certain number of days; specifying the
12 events marking the beginning and tolling of the time period for unexpired
13 licenses; and generally relating to alcoholic beverages licenses in Allegany
14 County.

15 BY adding to
16 Article 2B - Alcoholic Beverages
17 Section 10-504(h)
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2004 Supplement)

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

22 **Article 2B - Alcoholic Beverages**

23 10-504.

24 (H) (1) (I) THIS SUBSECTION APPLIES ONLY IN ALLEGANY COUNTY.

25 (II) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF LICENSE
26 COMMISSIONERS OR THE OFFICE OF THE COMPTROLLER, WHICHEVER IS THE
27 ISSUING PARTY.

1 (2) 180 DAYS AFTER THE HOLDER OF ANY LICENSE ISSUED UNDER THE
2 PROVISIONS OF THIS ARTICLE HAS CLOSED THE BUSINESS OR CEASED ACTIVE
3 ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE
4 LICENSE IS HELD, THE LICENSE SHALL EXPIRE UNLESS:

5 (I) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER
6 LOCATION OR AN APPLICATION FOR ASSIGNMENT TO ANOTHER PERSON UNDER §
7 10-503(B) OF THIS SUBTITLE HAS BEEN APPROVED OR IS THEN PENDING;

8 (II) AN APPLICATION UNDER § 10-506 OF THIS SUBTITLE HAS BEEN
9 APPROVED OR IS THEN PENDING; OR

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

12 (3) THE LICENSEE OR OTHER APPROPRIATE INTERESTED PARTIES MAY
13 MAKE A WRITTEN REQUEST TO THE BOARD FOR AN EXTENSION OF THE LIFE OF THE
14 LICENSE DUE TO UNDUE HARDSHIP, FOR A TIME PERIOD OF NO MORE THAN A
15 CUMULATIVE PERIOD OF 360 DAYS AFTER THE DATE OF CLOSING OR CESSATION OF
16 ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE
17 LICENSE IS HELD.

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

23 (5) (I) IT IS THE INTENT OF THIS SUBSECTION THAT THE TOTAL TIME
24 PERIOD FOR WHICH A LICENSE MAY BE DEEMED UNEXPIRED UNDER PARAGRAPH (2)
25 OF THIS SUBSECTION IS 180 DAYS IF NO UNDUE HARDSHIP EXTENSION IS GRANTED,
26 AND NO MORE THAN 360 DAYS IF AN UNDUE HARDSHIP EXTENSION HAS BEEN
27 GRANTED.

28 (II) THE TIME PERIOD BEGINS AT THE EARLIER OF THE CLOSING
29 OF THE BUSINESS OR CESSATION OF ALCOHOLIC BEVERAGES BUSINESS, AND SHALL
30 BE TOLLED ONLY ON THE FILING OF AN APPLICATION OR REQUEST DESCRIBED IN
31 PARAGRAPH (2) OF THIS SUBSECTION, THE EXPIRATION PERIOD TO BEGIN RUNNING
32 AGAIN, CUMULATIVELY TO THE TIME PERIOD BEFORE THE FILING OF THE
33 APPLICATION OR REQUEST, ON THE OCCURRENCE OF THE LATER TO OCCUR OF THE
34 FOLLOWING EVENTS:

35 1. FINAL ACTION OF THE BOARD GRANTING OR DENYING A
36 REQUEST AUTHORIZED BY PARAGRAPH (3) OF THIS SUBSECTION;

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

