
By: **Senator Hafer**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

CHAPTER _____

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; altering a certain exception to a restriction on the authority of the
 14 Board of License Commissioners to issue licenses; and generally relating to
 15 alcoholic beverages licenses in Allegany County.

16 BY repealing and reenacting, without amendments,
 17 Article 2B - Alcoholic Beverages
 18 Section 9-202(a)
 19 Annotated Code of Maryland
 20 (2001 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,
 22 Article 2B - Alcoholic Beverages
 23 Section 9-202(f)(1)
 24 Annotated Code of Maryland
 25 (2001 Replacement Volume and 2004 Supplement)

1 BY adding to
 2 Article 2B - Alcoholic Beverages
 3 Section 10-504(h)
 4 Annotated Code of Maryland
 5 (2001 Replacement Volume and 2004 Supplement)

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

8 **Article 2B - Alcoholic Beverages**

9 9-202.

10 (a) This section applies only in Allegany County.

11 (f) (1) Subject to the population limitations on licenses elsewhere provided
 12 in this article, the Board of License Commissioners may not issue any additional beer,
 13 wine and liquor Class A or Class D license, except in the case of a transfer of [a
 14 presently operating business establishment having a] AN EXISTING license, subject to
 15 the approval of the Board as elsewhere provided in this article.

16 10-504.

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

18 (II) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF LICENSE
 19 COMMISSIONERS ~~OR THE OFFICE OF THE COMPTROLLER, WHICHEVER IS THE~~
 20 ~~ISSUING PARTY.~~

21 (2) 180 DAYS AFTER THE HOLDER OF ANY LICENSE ISSUED UNDER THE
 22 PROVISIONS OF THIS ARTICLE HAS CLOSED THE BUSINESS OR CEASED ACTIVE
 23 ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE
 24 LICENSE IS HELD, THE LICENSE SHALL EXPIRE UNLESS:

25 (I) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER
 26 LOCATION OR AN APPLICATION FOR ASSIGNMENT TO ANOTHER PERSON UNDER §
 27 10-503(B) OF THIS SUBTITLE HAS BEEN APPROVED OR IS THEN PENDING;

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

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

32 (3) THE LICENSEE OR OTHER APPROPRIATE INTERESTED PARTIES MAY
 33 MAKE A WRITTEN REQUEST TO THE BOARD FOR AN EXTENSION OF THE LIFE OF THE
 34 LICENSE DUE TO UNDUE HARDSHIP, FOR A TIME PERIOD OF NO MORE THAN A
 35 CUMULATIVE PERIOD OF 360 DAYS AFTER THE DATE OF CLOSING OR CESSATION OF

1 ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR WHICH THE
2 LICENSE IS HELD.

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

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

13 (II) THE TIME PERIOD BEGINS AT THE EARLIER OF THE CLOSING
14 OF THE BUSINESS OR CESSATION OF ALCOHOLIC BEVERAGES BUSINESS, AND SHALL
15 BE TOLLED ONLY ON THE FILING OF AN APPLICATION OR REQUEST DESCRIBED IN
16 PARAGRAPH (2) OF THIS SUBSECTION, THE EXPIRATION PERIOD TO BEGIN RUNNING
17 AGAIN, CUMULATIVELY TO THE TIME PERIOD BEFORE THE FILING OF THE
18 APPLICATION OR REQUEST, ON THE OCCURRENCE OF THE LATER TO OCCUR OF THE
19 FOLLOWING EVENTS:

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

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

24 3. A. FINAL JUDGMENT OF THE APPELLATE COURT WHEN
25 JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST
26 AUTHORIZED BY PARAGRAPH (2) OR (3) OF THIS SUBSECTION HAS BEEN SOUGHT; OR

27 B. ON DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF
28 THE BOARD'S ACTION.

29 (6) IF AN APPLICATION OR REQUEST TO THE BOARD DESCRIBED IN
30 PARAGRAPH (2) OR (3) OF THIS SUBSECTION IS WITHDRAWN, THERE SHALL BE NO
31 TOLLING OF THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE AND IT
32 SHALL BE CONSIDERED AS IF THE APPLICATION OR REQUEST HAD NOT BEEN FILED.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2005.

