

HOUSE BILL 1018

A2

9lr0652

By: **Prince George's County Delegation**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages - License Expiration**

3 **PG 308-09**

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

15 BY adding to

16 Article 2B - Alcoholic Beverages

17 Section 10-504(i)

18 Annotated Code of Maryland

19 (2005 Replacement Volume and 2008 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 **(I) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S**
25 **COUNTY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF**
2 **LICENSE COMMISSIONERS OF PRINCE GEORGE'S COUNTY.**

3 **(3) IT IS THE INTENT OF THIS SUBSECTION THAT THE TOTAL**
4 **PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED IS:**

5 **(I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, 180**
6 **DAYS IF AN UNDUE HARDSHIP EXTENSION IS NOT GRANTED; AND**

7 **(II) NOT MORE THAN 360 DAYS IF AN UNDUE HARDSHIP**
8 **EXTENSION IS GRANTED.**

9 **(4) A LICENSE ISSUED UNDER THIS ARTICLE SHALL EXPIRE 180**
10 **DAYS AFTER THE HOLDER OF A LICENSE HAS CLOSED THE BUSINESS OR CEASED**
11 **ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS OF THE BUSINESS FOR**
12 **WHICH THE LICENSE IS HELD, UNLESS:**

13 **(I) AN APPLICATION FOR APPROVAL OF A TRANSFER TO**
14 **ANOTHER LOCATION OR AN APPLICATION FOR ASSIGNMENT TO ANOTHER**
15 **PERSON UNDER § 10-503(R) OF THIS SUBTITLE HAS BEEN APPROVED OR IS**
16 **PENDING;**

17 **(II) AN APPLICATION FOR A LICENSE UNDER § 10-506(B) OF**
18 **THIS SUBTITLE AFTER THE DEATH OF A HOLDER OF A LICENSE HAS BEEN**
19 **APPROVED OR IS PENDING; OR**

20 **(III) A WRITTEN REQUEST FOR AN UNDUE HARDSHIP**
21 **EXTENSION, AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IS FILED**
22 **WITHIN THE 180-DAY PERIOD.**

23 **(5) (I) THE HOLDER OF A LICENSE OR OTHER APPROPRIATE**
24 **INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD FOR AN**
25 **UNDUE HARDSHIP EXTENSION OF THE LIFE OF THE LICENSE.**

26 **(II) IF THE BOARD FINDS AFTER A HEARING THAT UNDUE**
27 **HARDSHIP EXISTS, CAUSING THE CLOSING OR CESSATION OF BUSINESS**
28 **OPERATIONS, THE BOARD MAY GRANT AN EXTENSION SO THAT THE LICENSE**
29 **REMAINS UNEXPIRED FOR NOT MORE THAN 360 DAYS, SUBJECT TO PARAGRAPH**
30 **(6) OF THIS SUBSECTION.**

31 **(6) THE TOTAL PERIOD FOR WHICH A LICENSE MAY BE**
32 **CONSIDERED UNEXPIRED:**

1 (I) BEGINS AT THE EARLIER OF THE CLOSING OF THE
2 BUSINESS OR CESSATION OF ALCOHOLIC BEVERAGES BUSINESS;

3 (II) MAY BE SUSPENDED ONLY ON THE FILING OF AN
4 APPLICATION OR REQUEST DESCRIBED IN PARAGRAPH (4) OF THIS
5 SUBSECTION; AND

6 (III) SHALL BEGIN RUNNING AGAIN, CUMULATIVELY TO THE
7 TIME PERIOD BEFORE THE FILING OF THE APPLICATION OR REQUEST, ON THE
8 OCCURRENCE OF THE LATER OF THE FOLLOWING EVENTS:

9 1. FINAL ACTION OF THE BOARD GRANTING OR
10 DENYING A REQUEST AUTHORIZED BY PARAGRAPH (4)(III) OF THIS
11 SUBSECTION;

12 2. FINAL ACTION OF THE BOARD DENYING AN
13 APPLICATION DESCRIBED UNDER PARAGRAPH (4)(I) OR (II) OF THIS
14 SUBSECTION;

15 3. FINAL JUDGMENT OF THE APPELLATE COURT
16 WHEN JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR
17 REQUEST AUTHORIZED BY PARAGRAPH (4) OF THIS SUBSECTION IS SOUGHT; OR

18 4. DISMISSAL OF A PETITION FOR JUDICIAL REVIEW
19 OF THE BOARD'S ACTION.

20 (7) IF AN APPLICATION OR REQUEST UNDER PARAGRAPH (4) OF
21 THIS SUBSECTION IS WITHDRAWN:

22 (I) THE PERIOD FOR EXPIRATION OF THE LICENSE MAY
23 NOT BE SUSPENDED; AND

24 (II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED
25 AS IF IT HAD NOT BEEN FILED.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2009.