

Chapter 79

(House Bill 334)

AN ACT concerning

Baltimore County – Alcoholic Beverages – License Transfers

FOR the purpose of altering the number of years within which an application for a transfer of a certain alcoholic beverages license in Baltimore County must occur; establishing additional circumstances under which the Board of License Commissioners may approve a change of location of a certain alcoholic beverages license; making this Act an emergency measure; and generally relating to the transfer of alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 13–102 and 13–1404
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 13–1702
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

13–102.

This title applies only in Baltimore County.

13–1404.

(a) The Board may accept an application for a license from:

(1) a contract purchaser of a property that becomes the owner of record of the premises to be licensed before the license is issued;

(2) an owner of a premises that is proposed to be licensed; or

(3) a developer of a property with the consent and authority of the owner of the property.

(b) An application filed under this section need not contain a specific street address or description of the premises to be licensed other than a general description of the site on which the premises will be built, including a property map number, parcel number, property tax identification number, or plat number.

13-1702.

(a) If the Board approves an application from a contract purchaser, an owner of the location, or a developer under § 13-1404 of this title, the applicant may apply to transfer the license to an operator of the type of business for which the license was approved if:

(1) the license is for a location in the site for which the license was approved; and

(2) the application for transfer occurs within [3] 5 years after the original application for the site is approved or construction at the location is completed, whichever is later.

(b) Unless otherwise prohibited by law, the Board may approve a change of location of a license issued under § 13-1404 of this title if:

(1) the license holder has engaged in an active alcoholic beverages business under the license for at least 1 year before applying for the change; **OR**

(2) (I) **THE LICENSE HOLDER HAS NOT ENGAGED IN AN ACTIVE ALCOHOLIC BEVERAGES BUSINESS UNDER THE LICENSE; AND**

(II) **THE BOARD APPROVED A CHANGE OF LOCATION OF THE LICENSE FROM ANOTHER LOCATION WITHIN THE SAME COUNTY ELECTION DISTRICT AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE CHANGE OF LOCATION UNDER THIS ITEM.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2018.