

HB0960/743195/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 960
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Alcoholic” insert “Baltimore City –”; in the same line, strike “– Local”; in line 3, strike “a local licensing board” and substitute “the Board of License Commissioners for Baltimore City”; in line 4, strike “if the transferor has” and substitute “until the resolution of”; in the same line, after “charges” insert “filed against the transferor”; in line 5, strike “local licensing board;” and substitute “Board concerning the transferor; altering the grounds for which a license holder or certain party may make a certain request to the Board to extend the life of a license; authorizing the Board to grant an extension that prolongs the life of a license beyond a certain period of time under certain circumstances; exempting a license the transfer of which is prohibited under this Act from a certain provision of law concerning the period of expiration of a license;”; in the same line, strike “local”; in line 6, after “licenses” insert “in Baltimore City”; in line 9, strike “4–302(a)” and substitute “12–102”; in line 14, strike “4–303.1” and substitute “12–1705.1”; and after line 16, insert:

“BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 12–2202
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“12–102.

This title applies only in Baltimore City.”.

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On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 2 on page 2, inclusive.

On page 2, in line 3, strike “4-303.1.” and substitute “12-1705.1.”; in line 4, strike “A LOCAL LICENSING BOARD” and substitute “THE BOARD”; in line 5, strike “IF THE TRANSFEROR HAS” and substitute “UNTIL THE RESOLUTION OF:

(1) ANY”;

in the same line, strike “CHARGES” and substitute “CHARGE FILED AGAINST THE TRANSFEROR THAT DIRECTLY RELATES TO THE OPERATION OF THE LICENSED PREMISES;”; in the same line, after “OR” insert:

“(2) ANY”;

in line 6, strike “MATTERS” and substitute “MATTER”; strike beginning with “LOCAL” in line 6 down through “PREMISES” in line 8 and substitute “BOARD CONCERNING THE TRANSFEROR”; and after line 8, insert:

“12-2202.

(a) A license expires 180 days after the license holder has closed the business or stopped active alcoholic beverages business operations at the premises for which the license is held unless:

(1) an application for approval of a transfer to another location or another person under Subtitle 17 of this title has been approved or is pending;

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(2) an application for a certificate of permission or a renewal license for continuation of business under Subtitle 23 of this title has been approved or is pending;
or

(3) a written request for a hardship extension under subsection (b) of this section is filed within the 180-day period.

(b) (1) The license holder or another appropriate interested party may make a written request to the Board to extend the life of the license due to hardship, INCLUDING THE PENDENCY OF A CRIMINAL CHARGE FILED AGAINST A TRANSFEROR THAT DIRECTLY RELATES TO THE OPERATION OF THE LICENSED PREMISES OR A DISCIPLINARY MATTER BEFORE THE BOARD CONCERNING THE TRANSFEROR.

(2) The Board may grant the extension if the Board finds after a hearing that existing hardship caused the closing or stopping of business operations.

(3) [An] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, AN extension may not prolong the life of the license beyond 360 days after the date of closing or stopping of alcoholic beverages business operations at the premises for which the license is held.

(4) THE BOARD MAY GRANT AN EXTENSION UNDER THIS SUBSECTION THAT PROLONGS THE LIFE OF A LICENSE BEYOND 360 DAYS IF A TRANSFER OF THE LICENSE IS PROHIBITED UNDER § 12-1705.1 OF THIS TITLE.

(c) (1) THIS SUBSECTION DOES NOT APPLY TO A LICENSE THE TRANSFER OF WHICH IS PROHIBITED UNDER § 12-1705.1 OF THIS TITLE.

(2) The period for which a license may be considered unexpired:

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(i) begins at the earlier of the closing of the business or stopping of alcoholic beverages business operations; and

(ii) may be suspended only by filing an application or request under subsection (a) of this section.

[(2)] (3) The expiration period resumes on the last to occur of the following events:

(i) final action of the Board granting or denying a request for a hardship extension under subsection (b) of this section;

(ii) final action of the Board denying an application described in subsection (a)(1) or (2) of this section;

(iii) final judgment of the reviewing court if judicial review of the Board's action on an application or request authorized by subsection (a) or (b) of this section has been granted; or

(iv) dismissal of a petition for judicial review of the Board's action.

[(3)] (4) If an application or request described in subsection (a) or (b) of this section is withdrawn:

(i) the period for automatic expiration of the license may not be suspended; and

(ii) the application or request shall be considered as if it had not been filed."