
By: **Delegate Arnick**

Introduced and read first time: February 1, 2001

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Licenses - Issuance and Transfer**

3 FOR the purpose of requiring an applicant for an alcoholic beverages license or the
4 transfer of a license to demonstrate to the appropriate board of license
5 commissioners that certain criteria have been met; requiring a board to consider
6 certain criteria in approving the issuance or transfer of a license; authorizing a
7 board to consider certain criteria in approving the issuance or transfer of a
8 license; clarifying a certain provision; and generally relating to the issuance or
9 transfer of an alcoholic beverages license.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 10-202(a)(1)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 10-202(a)(2) and 10-503(a)(2)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2000 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 10-202.

24 (a) (1) (i) Before the Board of License Commissioners for Baltimore City
25 or any county approves any application for a license, the Board shall cause a notice of
26 the application to be published two times in two successive weeks:

27 1. For Baltimore City licensee applicants - in three
28 newspapers of general circulation in Baltimore City.

1 C. THE GENERAL MARKET NEED IN ADDITION TO THE
2 ACTUAL NEED AND DESIRE FOR SERVICE OR CONVENIENCE FOR RESIDENTS AND
3 BUSINESSES IN THE SURROUNDING MARKET AREA; OR

4 D. THE POTENTIAL IMPACT ON THE GENERAL HEALTH,
5 SAFETY, AND WELFARE OF THE COMMUNITY IN THE SURROUNDING MARKET AREA,
6 INCLUDING ISSUES RELATING TO CRIME, TRAFFIC HAZARDS OR CONGESTION, AND
7 SAFE AND ADEQUATE PARKING.

8 (II) The application shall be disapproved and the license for which
9 application is made shall be refused if the Board of License Commissioners for the
10 City or any county determines that:

- 11 1. The granting of the license is not necessary for the
12 accommodation of the public;
- 13 2. The applicant is not a fit person to receive the license for
14 which application is made;
- 15 3. The applicant has made a material false statement in his
16 application;
- 17 4. The applicant has practiced fraud in connection with the
18 application;
- 19 5. The operation of the business, if the license is granted, will
20 unduly disturb the peace of the residents of the neighborhood in which the place of
21 business is to be located; or
- 22 6. There are other reasons, in the discretion of the Board,
23 why the license should not be issued.

24 [(ii)] (III) Except as otherwise provided in this section, if no such
25 findings are made by the Board, then the application shall be approved and the
26 license issuing authority shall issue the license for which application is made upon
27 payment of the fee required to the local collecting agent.

28 10-503.

29 (a) (2) Any holder of a license under this article, including a receiver or
30 trustee for the benefit of creditors, may be permitted to transfer the holder's place of
31 business to some other location or sell or assign the license and transfer the holder's
32 stock in trade to another person, but only if:

33 (i) An application for the transfer or sale has been made;

34 (ii) All retail sales, amusement, admission, and withholding taxes
35 have been paid to the Comptroller of the Treasury of the State;

1 (iii) A bulk transfer permit is obtained if the stock of alcoholic
2 beverages is to be transferred whether by sale, gift, inheritance, assignment, or
3 otherwise, and irrespective of whether or not consideration is paid; and

4 (iv) The new location or assignee is approved BY THE BOARD as in
5 the case of an original application for such a license UNDER § 10-202 OF THIS TITLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2001.