

Md. Ann. Code art. 2B, § 10-504

Annotated Code of Maryland
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*** Current through all chapters of the 2011 Special Session of the General Assembly ***

ARTICLE 2B. ALCOHOLIC BEVERAGES
TITLE 10. LICENSES.
SUBTITLE 5. RIGHTS AND DUTIES.

Md. Ann. Code art. 2B, § 10-504 (2011)

§ 10-504. Vacation of premises

(a) In general. -- Except in Baltimore County, on the tenth day after the holder of any license issued under this article has vacated, or been evicted from the premises for which the license was issued, the license shall expire unless an application for approval of a transfer to another location or assignment to another person pursuant to § 10-503 of this article or an application pursuant to § 10-506 of this article has been approved or is then pending. However, the State Comptroller or local licensing board, as the case may be, may postpone the expiration for an additional period not exceeding 20 days in any case to avoid undue hardship.

(b) Exemption. -- This section does not apply to the holder of any license whose premises have been acquired for public use.

(c) Required actions. -- The license for a premises acquired for public use shall expire within 180 days of acquisition unless an application for approval of a transfer of the license to another location or assignment to another person pursuant to § 10-503 of this article or an application pursuant to § 10-506 of this article has been approved or is then pending.

(d) Baltimore City. --

(1) (i) This subsection applies only in Baltimore City.

(ii) In this subsection, "Board" means the Board of License Commissioners or the Office of the Comptroller, whichever is the issuing party.

(2) 180 days after the holder of any license issued under the provisions of this article has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the license shall expire unless:

(i) An application for approval of a transfer to another location or an application for assignment to another person pursuant to § 10-503(d) of this subtitle has been approved or is then pending;

(ii) An application pursuant to § 10-506 of this subtitle has been approved or is then pending; or

(iii) A written request for a hardship extension, as provided in this subsection, is filed within the 180-day period.

(3) The licensee or other appropriate interested parties may make a written request to the Board for an extension of the life of the license due to undue hardship, for a time period of no more than a cumulative period of 360 days after the date of closing or cessation of alcoholic beverages business operations of the business for which the license is held.

(4) After a hearing conducted on the extension request, on a finding that undue hardship currently exists causing the closing or cessation of business operations, the Board may grant an extension of the life of the license for a time period not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

(5) It is the intent of this subsection that the total time period for which a license may be deemed unexpired under paragraph (2) of this subsection is 180 days if no undue hardship extension is granted, and no more than 360 days if an undue hardship extension has been granted. The time period begins at the earlier of the closing of the business or cessation of alcoholic beverages business, and shall be tolled only upon the filing of an application or request described in paragraph (2) of this subsection, the expiration period to begin running again, cumulatively to the time period before the filing of the application or request, upon the occurrence of the later to occur of the following events:

(i) Final action of the Board granting or denying a request authorized by paragraph (3) of this subsection;

(ii) Final action of the Board denying an application described under paragraph (2)(i) or (ii) of this subsection; or

(iii) Final judgment of the appellate court when judicial review of the Board's action on an application or request authorized by paragraph (2) or (3) of this subsection has been sought, or on dismissal of a petition for judicial review.

(6) If an application or request to the Board described in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for automatic expiration of the license and it shall be deemed as if no such application or request was filed.

(e) Baltimore County. --

(1) (i) This subsection applies only in Baltimore County.

(ii) In this subsection, "Board" means the Board of License Commissioners or the Office of the Comptroller, whichever is the issuing party.

(2) 180 days after the holder of any license issued under the provisions of this article has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the license shall expire unless:

(i) An application for approval of a transfer to another location or an application for assignment to another person pursuant to § 10-503 of this article has been approved or is then pending;

(ii) An application pursuant to § 10-506 of this article has been approved or is then pending; or

(iii) A written request for a hardship extension, as provided in this subsection, is filed within the 180-day period.

(3) Except as provided in paragraph (7) of this subsection, the licensee or other appropriate interested parties may make a written request to the Board for an extension of the life of the license, due to undue hardship, for a time period of no more than a cumulative period of 360 days after the date of closing or cessation of alcoholic beverages business operations of the business for which the license is held.

(4) Except as provided in paragraph (7) of this subsection, after a hearing conducted on the extension request, upon a finding that undue hardship currently exists causing the closing or

cessation of business operations, the Board may grant an extension of the life of the license for a time period not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

(5) It is the intention of this subsection that the total time period for which a license may be deemed unexpired under paragraph (2) of this subsection is 180 days if no undue hardship extension is granted and no more than 360 days if an undue hardship extension has been granted. The time period begins at the earlier of the closing of the business or cessation of alcoholic beverages business, and shall be tolled only upon the filing of an application or request described in paragraph (2) of this subsection, the expiration period to begin running again, cumulatively to the time period before the filing of the application or request, upon the occurrence of the later to occur of the following events:

(i) Final action of the Board granting or denying a request authorized by paragraph (3) of this subsection;

(ii) Final action of the Board denying an application described by subparagraphs (i) or (ii) of paragraph (2) of this subsection; or

(iii) Final judgment of the appellate court when judicial review of the Board's action on an application or request authorized by paragraphs (2) or (3) of this subsection has been sought, or upon dismissal of a petition for judicial review.

(6) In the event that an application or request to the Board described in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for automatic expiration of the license and it shall be deemed as if no such application or request was filed.

(7) If a licensed premises is forced to close because of a casualty loss, the Board, without circuit court approval, may extend the license for not more than 2 years after the closing.

(f) Charles and Wicomico counties; Harford County. --

(1) In Charles and Wicomico counties, if the Board of License Commissioners in the respective county or the Harford County Liquor Control Board determines that a licensed premises under its jurisdiction is seasonally operated, the respective county board may authorize the closing of the premises in its respective jurisdiction for no more than 6 months.

(2) To qualify for this exception:

(i) The licensee shall submit a written request to the respective county board at least 30 days before the anticipated date of closing; and

(ii) In Harford County, the licensee shall also submit a written request to the Board at least 30 days before the anticipated date of reopening.

(g) Cecil County. -- In Cecil County an alcoholic beverages license is declared null and void if a licensee:

(1) Is no longer using the license and has the intention of terminating the business of the licensed premises; and

(2) Has not timely filed a transfer of the license with the Board of License Commissioners pursuant to § 10-503 or § 10-506 of this article.

(h) Allegany County. --

(1) (i) This subsection applies only in Allegany County.

(ii) In this subsection, "Board" means the Board of License Commissioners.

(2) One hundred eighty days after the holder of any license issued under the provisions of this article has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the license shall expire unless:

(i) An application for approval of a transfer to another location or an application for assignment to another person under § 10-503(b) of this subtitle has been approved or is then pending;

(ii) An application under § 10-506 of this subtitle has been approved or is then pending; or

(iii) A written request for a hardship extension, as provided in this subsection, is filed within the 180-day period.

(3) The licensee or other appropriate interested parties may make a written request to the Board for an extension of the life of the license due to undue hardship, for a time period of no more than a cumulative period of 360 days after the date of closing or cessation of alcoholic beverages business operations of the business for which the license is held.

(4) After a hearing conducted on the extension request, on a finding that undue hardship currently exists causing the closing or cessation of business operations, the Board may grant an extension of the life of the license for a time period not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

(5) (i) It is the intent of this subsection that the total time period for which a license may be deemed unexpired under paragraph (2) of this subsection is 180 days if no undue hardship extension is granted, and no more than 360 days if an undue hardship extension has been granted.

(ii) The time period begins at the earlier of the closing of the business or cessation of alcoholic beverages business, and shall be tolled only on the filing of an application or request described in paragraph (2) of this subsection, the expiration period to begin running again, cumulatively to the time period before the filing of the application or request, on the occurrence of the later to occur of the following events:

1. Final action of the Board granting or denying a request authorized by paragraph (3) of this subsection;

2. Final action of the Board denying an application described under paragraph (2)(i) or (ii) of this subsection; or

3. A. Final judgment of the appellate court when judicial review of the Board's action on an application or request authorized by paragraph (2) or (3) of this subsection has been sought; or

B. On dismissal of a petition for judicial review of the Board's action.

(6) If an application or request to the Board described in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the period for automatic expiration of the license and it shall be considered as if the application or request had not been filed.

HISTORY: An. Code, 1951, § 72; 1947, ch. 501, § 68; 1974, ch. 398; 1979, ch. 304; 1982, ch. 669; 1988, chs. 422, 510; 1989, ch. 5, §§ 1, 15; 1991, ch. 408; 1993, ch. 594; 1996, ch. 10, § 1; ch. 557, § 1; 1997, ch. 14, § 2; 1998, ch. 166, §§ 1, 2; 2000, ch. 56; 2005, ch. 163; 2006, ch. 44; 2011, ch. 313.

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