

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 4.1-224 of the Code of Virginia, relating to alcoholic beverage control;*  
3 *hearings by the Alcoholic Beverage Control Board.*

4 [H 1455]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 4.1-224 of the Code of Virginia is amended and reenacted as follows:**

8 § 4.1-224. Notice and hearings for refusal to grant licenses; Administrative Process Act; exceptions.

9 A. The action of the Board in granting or in refusing to grant any license shall be subject to review  
10 in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.), except as provided in subsections  
11 B and C. Review shall be limited to the evidential record of the proceedings provided by the Board.  
12 Both the petitioner and the Board shall have the right to appeal to the Court of Appeals from any order  
13 of the court.

14 B. The Board may refuse a hearing on any application for the granting of any retail alcoholic  
15 beverage or mixed beverage license, including a banquet license, provided such:

16 1. License for the applicant has been refused or revoked within a period of twelve months;

17 2. License for any premises has been refused or revoked at that location within a period of twelve  
18 months; ~~or~~

19 3. Applicant, within a period of twelve months immediately preceding, has permitted a license  
20 granted by the Board to expire for nonpayment of license tax, and at the time of expiration of such  
21 license, there was a pending and unadjudicated charge, either before the Board or in any court, against  
22 the licensee alleging a violation of this title; *or*

23 4. *Applicant has received a restricted license and reapplies for a lesser-restricted license at the same*  
24 *location within twelve months of the date of the issuance of the restricted license.*

25 C. If an applicant has permitted a license to expire for nonpayment of license tax, and at the time of  
26 expiration there remained unexecuted any period of suspension imposed upon the licensee by the Board,  
27 the Board may refuse a hearing on an application for a new license until after the date on which the  
28 suspension period would have been executed had the license not have been permitted to expire.

ENROLLED

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