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1. [51 Am Jur 2d Licenses and Permits § 2](#)

Client/Matter: -None-

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§ 2 License as contract or property right

A license is not a contract between the sovereignty and the licensee and is not property in any constitutional sense. ¹However, a license is a revocable interest, ²and thus, at least in the context of jurisdiction to revoke a license, the licensee maintains a property interest in a license prior to its revocation, ³even where the license is allowed to lapse. ⁴

Reference

¹ [Bradford v. State of Hawaii, 846 F. Supp. 1411 \(D. Haw. 1994\)](#) (applying Hawaii law); [A.B.C. Home Furnishings, Inc. v. Town of East Hampton, 947 F. Supp. 635 \(E.D. N.Y. 1996\)](#) (applying New York law); [Russell v. Board of Plumbing Examiners of County of Westchester, 74 F. Supp. 2d 339 \(S.D. N.Y. 1999\)](#), adhered to on reargument, [74 F. Supp. 2d 349, 45 Fed. R. Serv. 3d 624 \(S.D. N.Y. 1999\)](#), aff'd, [1 Fed. Appx. 38 \(2d Cir. 2001\)](#) and aff'd, [1 Fed. Appx. 38 \(2d Cir. 2001\)](#) (applying New York law); [Lindsay v. City of Philadelphia, 844 F. Supp. 229 \(E.D. Pa. 1994\)](#) (applying Pennsylvania law); [US Ecology, Inc. v. State of California, 92 Cal. App. 4th 113, 111 Cal. Rptr. 2d 689 \(4th Dist. 2001\)](#); [Patzer v. City of Loveland, 80 P.3d 908 \(Colo. App. 2003\)](#); [State ex rel. First Presbyterian Church of Miami v. Fuller, 134 Fla. 212, 183 So. 726 \(1938\)](#); [Medias v. City of Indianapolis, 216 Ind. 155, 23 N.E.2d 590, 125 A.L.R. 590 \(1939\)](#); [Appeal of Bornstein, 126 Me. 532, 140 A. 194 \(1928\)](#); [Tamko Asphalt Products, Inc. v. Arch Associates, 830 S.W.2d 434 \(Mo. Ct. App. E.D. 1992\)](#); [Syracuse Rural Fire Dist. v. Pletan, 254 Neb. 393, 577 N.W.2d 527 \(1998\)](#); [Wallace v. City of Reno, 27 Nev. 71, 73 P. 528 \(1903\)](#); [Garford Trucking v. Hoffman, 114 N.J.L. 522, 177 A. 882 \(N.J. Sup. Ct. 1935\)](#); [Adams v. Ohio Dept. of Health, 5 Ohio Op. 3d 148, 356 N.E.2d 324 \(C.P. 1976\)](#); [City of Portland v. Cook, 48 Or. 550, 87 P. 772 \(1906\)](#); [WMS Gaming, Inc. v. Sullivan, 6 A.3d 1104 \(R.I. 2010\)](#); [South Carolina Dept. of Revenue & Taxation v. Rosemary Coin Machines, Inc., 331 S.C. 234, 500 S.E.2d 176 \(Ct. App. 1998\)](#), decision rev'd on other grounds, [339 S.C. 25, 528 S.E.2d 416 \(2000\)](#); [Lloyds of Texas v. Bobbitt, 40 S.W.2d 897 \(Tex. Civ. App. Dallas 1931\)](#), writ dismissed, [55 S.W.2d 803 \(Tex. Comm'n App. 1932\)](#); [Riggins v. District Court of Salt Lake County, 89 Utah 183, 51 P.2d 645 \(1935\)](#); [Littleton v. Burgess, 14 Wyo. 173, 82 P. 864 \(1905\)](#).

² [WMS Gaming, Inc. v. Sullivan, 6 A.3d 1104 \(R.I. 2010\)](#).

³ [U.S. v. Dicter, 198 F.3d 1284 \(11th Cir. 1999\)](#) (applying Georgia law); [Nicoletti v. State Bd. of Vehicle Mfrs., Dealers and Salespersons, 706 A.2d 891 \(Pa. Commw. Ct. 1998\)](#); [Modi v. West Virginia Bd. of Medicine, 195 W. Va. 230, 465 S.E.2d 230 \(1995\)](#).

⁴ [Nicoletti v. State Bd. of Vehicle Mfrs., Dealers and Salespersons, 706 A.2d 891 \(Pa. Commw. Ct. 1998\)](#).

As to revocation, generally, see §§ 56 to 63.

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A.L.R. Index, License Fees and Taxes

A.L.R. Index, Licenses and Permits

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Am. Jur. Pleading and Practice Forms, Licenses and Permits §§ 8, 9

Am. Jur. Pleading and Practice Forms, State and Local Taxation § 246

West's Key Number Digest, Licenses [westkey]1, 8(.5), 8(1)

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