
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1634 Session of
1983

INTRODUCED BY GRIECO, LETTERMAN AND CIMINI, OCTOBER 26, 1983

REFERRED TO COMMITTEE ON LIQUOR CONTROL, OCTOBER 26, 1983

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 providing for countywide transfers of licenses.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 468(a) of the act of April 12, 1951
21 (P.L.90, No.21), known as the Liquor Code, amended June 24, 1982
22 (P.L.624, No.176), is amended to read:

23 Section 468. Licenses Not Assignable; Transfers.--(a)
24 Licenses issued under this article may not be assigned. The
25 board, upon payment of the transfer filing fee and the execution

1 of a new bond, is hereby authorized to transfer any license
2 issued by it under the provisions of this article from one
3 person to another or from one place to another, or both, within
4 the same municipality, and if the applicant is a unit of a
5 nonprofit nationally chartered club, the board is hereby
6 authorized to transfer such license to a place in any other
7 municipality within the same county if the sale of liquor or
8 malt and brewed beverages are legal in such other municipality
9 as the board may determine. Prior to the approval of an
10 application for transfer by a unit of a nonprofit nationally
11 chartered club the board shall make an affirmative finding, upon
12 proof submitted by the applicant, and after investigation by the
13 board, that at the time the application for transfer is made the
14 club continues to hold a valid national charter and continues to
15 function in fact as a club as defined in section 102. The board,
16 in its discretion, may transfer an existing restaurant retail
17 dispenser, hotel or club license from one municipality to
18 another in the same county regardless of the quota limitations
19 provided for in this act, if sales of liquor or malt and brewed
20 beverages are legal in such other municipality and if the
21 restaurant retail dispenser, hotel or club lost the use of the
22 building in which it was located due to governmental exercise of
23 the right of eminent domain and no other suitable building can
24 be found in the first municipality. In the case of distributor
25 and importing distributor licenses, the board may transfer any
26 such license from its place in a municipality to a place in any
27 other municipality within the same county, or from one place to
28 another place within the same municipality, or exchange a
29 distributor license for an importing distributor license or an
30 importing distributor license for a distributor license, if the

1 building for which the license is to be issued has, in the case
2 of an importing distributor license, an area under one roof of
3 two thousand five hundred square feet and, in the case of a
4 distributor license, an area under one roof of one thousand
5 square feet: And provided, That, in the case of all transfers of
6 distributor or importing distributor licenses, whether from a
7 place within the same municipality to another place within the
8 same municipality or from a place in a municipality to a place
9 in any other municipality within the same county, and, in the
10 case of an exchange of a distributor license for an importing
11 distributor license or an importing distributor license for a
12 distributor license, the premises to be affected by the transfer
13 or exchange shall contain an office separate and apart from the
14 remainder of the premises to be licensed for the purpose of
15 keeping records, required by the board, adequate toilet
16 facilities for employes of the licensee and an entrance on a
17 public thoroughfare: Provided, however, That in the event that
18 the majority of the voting electors of a municipality, at an
19 election held under the provisions of any law so empowering them
20 to do, shall vote against the issuance of distributor or
21 importing distributor licenses in such municipality, the board
22 is hereby authorized to transfer any such distributor or
23 importing distributor license from its place in such
24 municipality to a place in any other municipality within the
25 same county, upon application prior to the expiration of any
26 such license and upon payment of the transfer filing fee and the
27 execution of a new bond; but no transfer shall be made to a
28 person who would not have been eligible to receive the license
29 originally nor for the transaction of business at a place for
30 which the license could not lawfully have been issued

1 originally, nor, except as herein provided, to a place as to
2 which a license has been revoked. No license shall be
3 transferred to any place or property upon which is located as a
4 business the sale of liquid fuels and oil. Except in cases of
5 emergency such as death, serious illness, or circumstances
6 beyond the control of the licensee, as the board may determine
7 such circumstances to justify its action, transfers of licenses
8 may be made only at times fixed by the board. In the case of the
9 death of a licensee, the board may transfer the license to the
10 surviving spouse or personal representative or to a person
11 designated by him. From any refusal to grant a transfer or upon
12 the grant of any transfer, the party aggrieved shall have the
13 right of appeal to the proper court in the manner hereinbefore
14 provided.

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16 Section 2. This act shall take effect immediately.