

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1837 Session of
1991

INTRODUCED BY WILLIAMS, CARN, JAMES, JOSEPHS, KOSINSKI, OLIVER,
BUTKOVITZ, ROEBUCK, RICHARDSON, RIEGER, BISHOP, ACOSTA,
HUGHES, LINTON, MCGEEHAN, O'DONNELL, COHEN AND EVANS,
JULY 1, 1991

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JULY 1, 1991

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 requiring the board to hold hearings upon petitions to
18 intervene.

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

21 Section 1. Section 402 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14) and amended December 7, 1990 (P.L.622,
24 No.160), is amended to read:

25 Section 402. License Districts; License Year; Hearings.--(a)

1 The board shall, by regulation, divide the State into convenient
2 license districts and shall hold hearings on applications for
3 licenses and renewals thereof, as it deems necessary, at a
4 convenient place or places in each of said districts, at such
5 times as it shall fix, by regulation, for the purpose of hearing
6 testimony for and against applications for new licenses and
7 renewals thereof. The board shall hold a hearing on any
8 application for a new hotel, club or restaurant liquor license
9 or the transfer of any such license to a new location, upon the
10 request of any person with standing to testify under subsection
11 (b) if the request is filed with the board within the first
12 fifteen days of posting of the notice of application pursuant to
13 section 403(g). The board shall provide for the holding of such
14 hearings by administrative law judges, who shall make a report
15 to the board in each case with their recommendations. The board
16 shall, by regulation, fix the license year for each separate
17 district so that the expiration dates shall be uniform in each
18 of the several districts but staggered as to the State.

19 (b) Where a hearing is held in the case of an application
20 for a new hotel, club or restaurant liquor license or an
21 application for the transfer of a hotel, club or restaurant
22 liquor license to a new location, the board shall permit
23 residents residing within a radius of [five] fifteen hundred
24 feet of the premises to testify at the hearing. The board and
25 any administrative law judge thereof shall give appropriate
26 evidentiary weight to any testimony of such residents given at
27 the hearing.

28 (c) Whenever a petition to intervene or protest to an
29 application for license, renewal or transfer of license has been
30 filed, the board shall order a hearing to be held upon the

- 1 petition or protest, make findings of fact and answer the
- 2 petition in accordance with rules adopted by the board.
- 3 Section 2. This act shall take effect in 60 days.