

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103 Session of
1993

INTRODUCED BY OLIVER, RIEGER, BISHOP, LaGROTTA, TIGUE, PESCI,
TRELLO, KENNEY, STABACK, KELLER, CURRY, SCHULER, OLASZ,
MIHALICH, LINTON, LEDERER, GIGLIOTTI, KIRKLAND, DALEY AND
JAMES, JANUARY 27, 1993

REFERRED TO COMMITTEE ON RULES, JANUARY 27, 1993

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 further providing for the issuance or transfer of liquor
18 licenses in license districts in cities of the first class.

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

21 Section 1. Section 404 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), is amended to read:

24 Section 404. Issuance of Hotel, Restaurant and Club Liquor
25 Licenses.--Upon receipt of the application, the proper fees and

1 bond, and upon being satisfied of the truth of the statements in
2 the application that the applicant is the only person in any
3 manner pecuniarily interested in the business so asked to be
4 licensed and that no other person will be in any manner
5 pecuniarily interested therein during the continuance of the
6 license, except as hereinafter permitted, and that the applicant
7 is a person of good repute, that the premises applied for meet
8 all the requirements of this act and the regulations of the
9 board, that the applicant seeks a license for a hotel,
10 restaurant or club, as defined in this act, and that the
11 issuance of such license is not prohibited by any of the
12 provisions of this act, the board shall, in the case of a hotel
13 or restaurant, grant and issue to the applicant a liquor
14 license, and in the case of a club may, in its discretion, issue
15 or refuse a license: Provided, however, That in the case of any
16 new license or the transfer of any license to a new location the
17 board may, in its discretion, grant or refuse such new license
18 or transfer if such place proposed to be licensed is within
19 three hundred feet of any church, hospital, charitable
20 institution, school, or public playground, or if such new
21 license or transfer is applied for a place which is within two
22 hundred feet of any other premises which is licensed by the
23 board: And provided further, That the board shall refuse any
24 application for a new license or the transfer of any license to
25 a new location if, in the board's opinion, such new license or
26 transfer would be detrimental to the welfare, health, peace and
27 morals of the inhabitants of the neighborhood within a radius of
28 five hundred feet of the place proposed to be licensed: And
29 provided further, That in any license district in a city of the
30 first class, the board shall refuse any application for a new

1 license or for any person to person or place to place transfer
2 of any license if the licensed premises is or would be within
3 three hundred feet of any church, hospital, charitable
4 institution, school or public playground, or within two hundred
5 feet of any other premises licensed by the board or, if, in the
6 opinion of the board the licensed premises is or would be
7 detrimental to the welfare, health, peace and morals of the
8 inhabitants of the neighborhood within a radius of five hundred
9 feet of the licensed premises: And provided further, That the
10 board shall not issue new licenses in any license district more
11 than twice each license year, effective from specific dates
12 fixed by the board, and new licenses shall not be granted,
13 except for hotels as defined in this act, unless the application
14 therefor shall have been filed at least thirty days before the
15 effective date of the license: And provided further, That
16 nothing herein contained shall prohibit the board from issuing a
17 new license for the balance of any unexpired term in any license
18 district to any applicant in such district, who shall have
19 become eligible to hold such license as the result of
20 legislative enactment, when such enactment shall have taken
21 place during the license term of that district for which
22 application is made or within the thirty days immediately
23 preceding such term, nor shall anything herein contained
24 prohibit the board from issuing at any time a new license for an
25 airport restaurant, or municipal golf course, as defined in
26 section 461 of this act, for the balance of the unexpired
27 license term in any license district: And provided further, That
28 the board shall have the discretion to refuse a license to any
29 person or to any corporation, partnership or association if such
30 person, or any officer or director of such corporation, or any

1 member or partner of such partnership or association shall have
2 been convicted or found guilty of a felony within a period of
3 five years immediately preceding the date of application for the
4 said license. The board shall refuse any application for a new
5 license or the transfer of any license to a location where the
6 sale of liquid fuels or oil is conducted.

7 Section 2. This act shall take effect in 60 days.