

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 613 Session of
1997

INTRODUCED BY M. N. WRIGHT, GEIST, ALLEN, ITKIN, LAUGHLIN,
READSHAW, THOMAS, HALUSKA, SCRIMENTI, CAWLEY, CORRIGAN,
TRELLO, MELIO AND HENNESSEY, FEBRUARY 14, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 9, 1998

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 defining "catering hall"; providing for the issuance of
18 restaurant liquor licenses to catering halls; ~~and~~ ELIMINATING <—
19 THE REQUIREMENT THAT CERTAIN LICENSEES OBTAIN BONDS; AND <—
20 further providing FOR SPECIAL OCCASION PERMITS, FOR <—
21 PERFORMING ARTS FACILITY LICENSES, FOR RESTRICTIONS ON SALES
22 BY LIQUOR LICENSEES, FOR WHOLESALE STORAGE OF MALT OR BREWED
23 BEVERAGES, FOR INCORPORATED UNITS OF NATIONAL VETERANS'
24 ORGANIZATIONS, for transfers AND RENEWALS of certain <—
25 licenses, FOR ADULT ENTERTAINMENT PERMITS, FOR AMUSEMENT <—
26 PERMITS, FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
27 BREWED BEVERAGES AND LICENSEES AND FOR USE OF THE STATE
28 STORES FUND.

29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

1 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
2 No.21), known as the Liquor Code, reenacted and amended June 29,
3 1987 (P.L.32, No.14), is amended by adding a definition to read:

4 Section 102. Definitions.--The following words or phrases,
5 unless the context clearly indicates otherwise, shall have the
6 meanings ascribed to them in this section:

7 * * *

8 "Catering hall" shall mean a reputable place operated by
9 responsible persons of good reputation and exclusively used to
10 serve food prepared on the premises for the accommodation of
11 groups who are using the facility by prior arrangement, made at
12 least twenty-four hours in advance of an event, and which is
13 paid for by such groups.

14 * * *

15 Section 2. Section 401 of the act is amended by adding a
16 subsection to read:

17 Section 401. Authority to Issue Liquor Licenses to Hotels,
18 Restaurants and Clubs.--* * *

19 (c) Except as otherwise provided in this section, a catering
20 hall as defined in this article shall be treated as a restaurant
21 for all purposes of this act, except that a catering hall shall
22 not be required to be accessible to the general public and shall
23 not be authorized to sell any malt or brewed beverages for
24 consumption off the premises.

25 SECTION 3. SECTION 403(A) OF THE ACT, AMENDED APRIL 29, 1994 <—
26 (P.L.212, NO.30), IS AMENDED TO READ:

27 SECTION 403. APPLICATIONS FOR HOTEL, RESTAURANT AND CLUB
28 LIQUOR LICENSES.--(A) EVERY APPLICANT FOR A HOTEL LIQUOR
29 LICENSE, RESTAURANT LIQUOR LICENSE OR CLUB LIQUOR LICENSE OR FOR
30 THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN

1 LICENSED SHALL FILE A WRITTEN APPLICATION WITH THE BOARD IN SUCH
2 FORM AND CONTAINING SUCH INFORMATION AS THE BOARD SHALL FROM
3 TIME TO TIME PRESCRIBE, WHICH SHALL BE ACCOMPANIED BY A FILING
4 FEE AND AN ANNUAL LICENSE FEE AS PRESCRIBED IN SECTION 614-A OF
5 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
6 ADMINISTRATIVE CODE OF 1929[," AND THE BOND HEREINAFTER
7 SPECIFIED.]._" EVERY SUCH APPLICATION SHALL CONTAIN A DESCRIPTION
8 OF THAT PART OF THE HOTEL, RESTAURANT OR CLUB FOR WHICH THE
9 APPLICANT DESIRES A LICENSE AND SHALL SET FORTH SUCH OTHER
10 MATERIAL INFORMATION, DESCRIPTION OR PLAN OF THAT PART OF THE
11 HOTEL, RESTAURANT OR CLUB WHERE IT IS PROPOSED TO KEEP AND SELL
12 LIQUOR AS MAY BE REQUIRED BY THE REGULATIONS OF THE BOARD. THE
13 DESCRIPTIONS, INFORMATION AND PLANS REFERRED TO IN THIS
14 SUBSECTION SHALL SHOW THE HOTEL, RESTAURANT, CLUB, OR THE
15 PROPOSED LOCATION FOR THE CONSTRUCTION OF A HOTEL, RESTAURANT OR
16 CLUB, AT THE TIME THE APPLICATION IS MADE, AND SHALL SHOW ANY
17 ALTERATIONS PROPOSED TO BE MADE THERETO, OR THE NEW BUILDING
18 PROPOSED TO BE CONSTRUCTED AFTER THE APPROVAL BY THE BOARD OF
19 THE APPLICATION FOR A LICENSE OR FOR THE TRANSFER OF AN EXISTING
20 LICENSE TO ANOTHER PREMISES NOT THEN LICENSED. NO PHYSICAL
21 ALTERATIONS, IMPROVEMENTS OR CHANGES SHALL BE REQUIRED TO BE
22 MADE TO ANY HOTEL, RESTAURANT OR CLUB, NOR SHALL ANY NEW
23 BUILDING FOR ANY SUCH PURPOSE, BE REQUIRED TO BE CONSTRUCTED
24 UNTIL APPROVAL OF THE APPLICATION FOR LICENSE OR FOR THE
25 TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN
26 LICENSED BY THE BOARD. AFTER APPROVAL OF THE APPLICATION, THE
27 LICENSEE SHALL MAKE THE PHYSICAL ALTERATIONS, IMPROVEMENTS AND
28 CHANGES TO THE LICENSED PREMISES, OR SHALL CONSTRUCT THE NEW
29 BUILDING IN THE MANNER SPECIFIED BY THE BOARD AT THE TIME OF
30 APPROVAL, AND THE LICENSEE SHALL NOT TRANSACT ANY BUSINESS UNDER

1 THE LICENSE UNTIL THE BOARD HAS APPROVED THE COMPLETED PHYSICAL
2 ALTERATIONS, IMPROVEMENTS AND CHANGES TO THE LICENSED PREMISES,
3 OR THE COMPLETED CONSTRUCTION OF THE NEW BUILDING AS CONFORMING
4 TO THE SPECIFICATIONS REQUIRED BY THE BOARD AT THE TIME OF
5 ISSUANCE OR TRANSFER OF THE LICENSE, AND IS SATISFIED THAT THE
6 ESTABLISHMENT IS A RESTAURANT, HOTEL OR CLUB AS DEFINED BY THIS
7 ACT. THE BOARD MAY REQUIRE THAT ALL SUCH ALTERATIONS OR
8 CONSTRUCTION OR CONFORMITY TO DEFINITION BE COMPLETED WITHIN SIX
9 MONTHS FROM THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE.
10 FAILURE TO COMPLY WITH THESE REQUIREMENTS SHALL BE CONSIDERED
11 CAUSE FOR REVOCATION OF THE LICENSE. NO SUCH LICENSE SHALL BE
12 TRANSFERABLE BETWEEN THE TIME OF ISSUANCE OR TRANSFER OF THE
13 LICENSE AND THE APPROVAL OF THE COMPLETED ALTERATIONS OR
14 CONSTRUCTION BY THE BOARD AND FULL COMPLIANCE BY THE LICENSEE
15 WITH THE REQUIREMENTS OF THIS ACT, EXCEPT IN THE CASE OF DEATH
16 OF THE LICENSEE PRIOR TO FULL COMPLIANCE WITH ALL OF THE
17 AFOREMENTIONED REQUIREMENTS, IN WHICH EVENT, THE LICENSE MAY BE
18 TRANSFERRED BY THE BOARD AS PROVIDED IN THIS ACT.

19 * * *

20 SECTION 4. SECTION 404 OF THE ACT, AMENDED APRIL 29, 1994
21 (P.L.212, NO.30) AND OCTOBER 5, 1994 (P.L.522, NO.77), IS
22 AMENDED TO READ:

23 SECTION 404. ISSUANCE OF HOTEL, RESTAURANT AND CLUB LIQUOR
24 LICENSES.--UPON RECEIPT OF THE APPLICATION[,] AND THE PROPER
25 FEES [AND BOND,] AND UPON BEING SATISFIED OF THE TRUTH OF THE
26 STATEMENTS IN THE APPLICATION THAT THE APPLICANT IS THE ONLY
27 PERSON IN ANY MANNER PECUNIARILY INTERESTED IN THE BUSINESS SO
28 ASKED TO BE LICENSED AND THAT NO OTHER PERSON WILL BE IN ANY
29 MANNER PECUNIARILY INTERESTED THEREIN DURING THE CONTINUANCE OF
30 THE LICENSE, EXCEPT AS HEREINAFTER PERMITTED, AND THAT THE

1 APPLICANT IS A PERSON OF GOOD REPUTE, THAT THE PREMISES APPLIED
2 FOR MEET ALL THE REQUIREMENTS OF THIS ACT AND THE REGULATIONS OF
3 THE BOARD, THAT THE APPLICANT SEEKS A LICENSE FOR A HOTEL,
4 RESTAURANT OR CLUB, AS DEFINED IN THIS ACT, AND THAT THE
5 ISSUANCE OF SUCH LICENSE IS NOT PROHIBITED BY ANY OF THE
6 PROVISIONS OF THIS ACT, THE BOARD SHALL, IN THE CASE OF A HOTEL
7 OR RESTAURANT, GRANT AND ISSUE TO THE APPLICANT A LIQUOR
8 LICENSE, AND IN THE CASE OF A CLUB MAY, IN ITS DISCRETION, ISSUE
9 OR REFUSE A LICENSE: PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
10 NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION THE
11 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
12 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
13 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
14 INSTITUTION, SCHOOL, OR PUBLIC PLAYGROUND, OR IF SUCH NEW
15 LICENSE OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO
16 HUNDRED FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE
17 BOARD: AND PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY
18 APPLICATION FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO
19 A NEW LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
20 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
21 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
22 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED: AND
23 PROVIDED FURTHER, THAT PRIOR TO JULY 1, 1996, IN ANY LICENSE
24 DISTRICT IN A CITY OF THE FIRST CLASS, THE BOARD MAY, IN ITS
25 OPINION, REFUSE ANY APPLICATION FOR A NEW LICENSE OR FOR ANY
26 PERSON-TO-PERSON TRANSFER WHICH SHALL INCLUDE A CHANGE IN
27 STOCKHOLDERS INVOLVING TEN PER CENTUM OR MORE OF ALL OUTSTANDING
28 VOTING STOCK AND/OR LESS THAN TEN PER CENTUM OF ALL OUTSTANDING
29 VOTING STOCK WHEN SUCH CHANGE INVOLVES A MAJORITY OR CONTROLLING
30 INTEREST, OF ANY LICENSE IF THE LICENSED PREMISES IS OR WOULD BE

1 WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
2 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND OR WITHIN TWO HUNDRED
3 FEET OF ANY OTHER PREMISES LICENSED BY THE BOARD AND IF, IN THE
4 OPINION OF THE BOARD, THE LICENSED PREMISES IS OR WOULD BE
5 DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND MORALS OF SUCH
6 CHURCH, HOSPITAL, SCHOOL, PUBLIC PLAYGROUND AND/OR THE
7 INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED
8 FEET OF THE LICENSED PREMISES. THIS AUTHORITY TO REFUSE A
9 PERSON-TO-PERSON TRANSFER IN A CITY OF THE FIRST CLASS IS IN
10 ADDITION TO AND NOT IN DEROGATION OF THE AUTHORITY OF THE BOARD
11 GENERALLY STATED FOR ALL AREAS OF THIS COMMONWEALTH: AND
12 PROVIDED FURTHER, THAT THE BOARD SHALL HAVE THE DISCRETION TO
13 REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,
14 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR
15 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH
16 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND
17 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY
18 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE. THE
19 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
20 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
21 FUELS OR OIL IS CONDUCTED. UPON ANY OPENING IN ANY QUOTA, AN
22 APPLICATION FOR A NEW LICENSE SHALL ONLY BE FILED WITH THE BOARD
23 FOR A PERIOD OF SIX MONTHS FOLLOWING SAID OPENING.

24 SECTION 5. SECTION 405(E) OF THE ACT, AMENDED APRIL 29, 1994
25 (P.L.212, NO.30), IS AMENDED TO READ:

26 SECTION 405. LICENSE FEES.--* * *

27 (E) EVERY APPLICATION FOR A RESTAURANT LIQUOR LICENSE FOR A
28 NONPRIMARY PARI-MUTUEL WAGERING LOCATION OR A RACETRACK SHALL BE
29 ACCOMPANIED BY AN APPLICANT'S FEE OF FIVE THOUSAND DOLLARS
30 (\$5,000) [AND A BOND IN THE PENAL SUM OF TWO THOUSAND DOLLARS

1 (\$2,000)] FOR THE FIRST YEAR OF A LICENSING PERIOD. THEREAFTER,
2 THE NONPRIMARY PARI-MUTUEL WAGERING LOCATION OR THE RACETRACK
3 SHALL BE SUBJECT TO THE ABOVE STATED FEES FOR RESTAURANT
4 LICENSES [AND THE FILING OF A BOND IN THE AMOUNT OF TWO THOUSAND
5 DOLLARS (\$2,000)] FOR EACH YEAR OF A LICENSING PERIOD.

6 SECTION 6. SECTION 406(A) OF THE ACT IS AMENDED BY ADDING A
7 CLAUSE TO READ:

8 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)

9 * * *

10 (7) NOTWITHSTANDING OTHER PROVISIONS TO THE CONTRARY, A
11 CATERING CLUB LICENSEE THAT IS A VOLUNTEER FIRE COMPANY MAY SELL
12 LIQUOR OR MALT OR BREWED BEVERAGES TO NONMEMBERS WHO PURCHASE
13 TICKETS IN ADVANCE OR AT THE DOOR FOR A CATERED FUNCTION.

14 * * *

15 SECTION 7. SECTION 408(C) AND (D) OF THE ACT, AMENDED APRIL
16 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

17 SECTION 408. PUBLIC SERVICE LIQUOR LICENSES.--* * *

18 (C) EVERY APPLICANT FOR A PUBLIC SERVICE LIQUOR LICENSE
19 SHALL [FILE WITH THE BOARD A SURETY BOND AS HEREINAFTER
20 PRESCRIBED,] PAY TO THE BOARD FOR EACH OF THE MAXIMUM NUMBER OF
21 DINING, CLUB OR BUFFET CARS WHICH THE APPLICANT ESTIMATES IT
22 WILL HAVE IN OPERATION ON ANY ONE DAY AN ANNUAL FEE AS
23 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
24 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

25 (D) UNLESS PREVIOUSLY REVOKED, EVERY LICENSE ISSUED BY THE
26 BOARD UNDER THIS SECTION SHALL EXPIRE IF THE ANNUAL FEE IS NOT
27 TIMELY PAID OR ON THE LAST DAY OF THE LICENSE PERIOD FOR WHICH
28 THE LICENSE IS ISSUED. LICENSES ISSUED UNDER THE PROVISIONS OF
29 THIS SECTION SHALL BE RENEWED AS HEREIN PROVIDED, UPON THE
30 FILING OF APPLICATIONS IN SUCH FORM AS THE BOARD SHALL

1 PRESCRIBE, BUT NO LICENSE SHALL BE RENEWED UNTIL THE APPLICANT
2 SHALL [FILE WITH THE BOARD A NEW SURETY BOND AND SHALL] PAY THE
3 REQUISITE LICENSE FEE.

4 * * *

5 SECTION 8. SECTIONS 408.1(F), 408.2(F) AND 408.3(F) OF THE
6 ACT ARE AMENDED TO READ:

7 SECTION 408.1. TRADE SHOW AND CONVENTION LICENSES.--* * *

8 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
9 APPLICANT FOR A TRADE SHOW AND CONVENTION LICENSE PURSUANT TO
10 SECTION 465 OF THIS ARTICLE SHALL BE TWO THOUSAND DOLLARS
11 (\$2,000) AND IN ADDITION THERETO HE SHALL FILE AN ADDITIONAL
12 BOND IN A SUM TO ASSURE PAYMENT OF ANY SUSPENSION OF LICENSE UP
13 TO ONE HUNDRED DAYS.]

14 * * *

15 SECTION 408.2. CITY-OWNED STADIA.--* * *

16 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
17 APPLICANT FOR A STADIUM LICENSE PURSUANT TO SECTION 465 OF THE
18 "LIQUOR CODE" SHALL BE TWO THOUSAND DOLLARS (\$2,000) AND IN
19 ADDITION THERETO HE SHALL FILE AN ADDITIONAL BOND IN A SUM TO
20 ASSURE PAYMENT OF ANY FINE IMPOSED BY THE BOARD UP TO ONE
21 THOUSAND DOLLARS (\$1,000).]

22 * * *

23 SECTION 408.3. PERFORMING ARTS FACILITIES.--* * *

24 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
25 APPLICANT FOR A PERFORMING ARTS FACILITY PURSUANT TO SECTION 465
26 OF THE "LIQUOR CODE" SHALL BE TWO THOUSAND DOLLARS (\$2,000).]

27 * * *

28 SECTION 9. SECTION 408.4(A), (C) AND (E) OF THE ACT, AMENDED
29 APRIL 29, 1994 (P.L.212, NO.30), OCTOBER 5, 1994 (P.L.522,
30 NO.77) AND DECEMBER 20, 1996 (P.L.1523, NO.199), ARE AMENDED AND

1 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

2 SECTION 408.4. SPECIAL OCCASION PERMITS.--(A) UPON
3 APPLICATION OF ANY HOSPITAL, CHURCH, SYNAGOGUE, VOLUNTEER FIRE
4 COMPANY, VOLUNTEER AMBULANCE COMPANY, VOLUNTEER RESCUE SQUAD,
5 NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE FOR AT LEAST TEN
6 YEARS, BONA FIDE SPORTSMEN'S CLUB IN EXISTENCE FOR AT LEAST TEN
7 YEARS, NATIONALLY CHARTERED VETERANS' ORGANIZATION AND ANY
8 AFFILIATED LODGE OR SUBDIVISION OF SUCH ORGANIZATION, FRATERNAL
9 BENEFIT SOCIETY THAT IS LICENSED TO DO BUSINESS IN THIS
10 COMMONWEALTH AND ANY AFFILIATED LODGE OR SUBDIVISION OF SUCH
11 FRATERNAL BENEFIT SOCIETY, OR THE AUXILIARY OF ANY OF THE
12 FOREGOING, AND UPON PAYMENT OF THE PRESCRIBED FEE FOR SPECIAL
13 OCCASION PERMITS UNDER SECTION 614-A OF THE ACT OF APRIL 9, 1929
14 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929,"
15 THE BOARD SHALL ISSUE A SPECIAL OCCASION PERMIT GOOD FOR A
16 PERIOD OF NOT MORE THAN FIVE CONSECUTIVE OR NONCONSECUTIVE DAYS:
17 PROVIDED, HOWEVER, THAT THE FIVE NONCONSECUTIVE DAYS SHALL BE
18 USED IN A THREE-MONTH PERIOD MEASURED FROM THE DATE OF THE FIRST
19 DAY. SPECIAL OCCASION PERMITS MAY ALSO BE ISSUED TO A MUSEUM
20 OPERATED BY A NONPROFIT CORPORATION [IN A CITY OF THE THIRD
21 CLASS OR TOWNSHIP OF THE FIRST CLASS OR], A NONPROFIT
22 CORPORATION ENGAGED IN THE PERFORMING ARTS [IN A CITY OF THE
23 THIRD CLASS OR IN AN INCORPORATED TOWN], OR AN ARTS COUNCIL FOR
24 A PERIOD OF NOT MORE THAN SIX NONCONSECUTIVE OR TEN CONSECUTIVE
25 DAYS AT THE PRESCRIBED FEE FOR SPECIAL OCCASION PERMITS UNDER
26 SECTION 614-A OF "THE ADMINISTRATIVE CODE OF 1929."

27 * * *

28 (C) SUCH SPECIAL OCCASION PERMIT SHALL ONLY BE VALID FOR THE
29 NUMBER OF DAYS STATED IN THE PERMIT. ONLY ONE PERMIT MAY BE
30 ISSUED TO ANY PERMITTEE DURING THE YEAR. PROVIDED, THAT A MUSEUM

1 OPERATED BY A NONPROFIT CORPORATION [IN A CITY OF THE THIRD
2 CLASS OR TOWNSHIP OF THE FIRST CLASS AND], A NONPROFIT
3 CORPORATION ENGAGED IN THE PERFORMING ARTS [IN A CITY OF THE
4 THIRD CLASS], OR AN ARTS COUNCIL MAY BE ISSUED NO MORE THAN SIX
5 PERMITS DURING THE YEAR, EACH PERMIT BEING VALID FOR ONLY ONE
6 DAY, OR IN THE ALTERNATIVE, ONE PERMIT VALID FOR NO MORE THAN A
7 TOTAL OF TEN CONSECUTIVE DAYS PER YEAR[, WHICH MAY BE ISSUED
8 ONLY DURING THE MONTH OF AUGUST].

9 * * *

10 (E) THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE
11 TO ANY OF THE FOLLOWING:

12 (1) A LICENSEE NOW OR HEREAFTER POSSESSING A CATERER'S
13 LICENSE, [NOR TO ANY] OTHER THAN A VOLUNTEER FIRE COMPANY,
14 VOLUNTEER AMBULANCE COMPANY OR VOLUNTEER RESCUE SQUAD, WHICH
15 OWNS ITS OWN FACILITY.

16 (2) A PROFESSIONAL FUND RAISER.

17 * * *

18 (G) FOR THE PURPOSES OF THIS SECTION "ARTS COUNCIL" MEANS A
19 TAX-EXEMPT ORGANIZATION WHICH PROMOTES THE VISUAL ARTS,
20 PERFORMING ARTS, OR BOTH, AND WHICH RECEIVES FUNDING UNDER THE
21 LOCAL ARTS SERVICES PROGRAM ADMINISTERED BY THE PENNSYLVANIA
22 COUNCIL ON THE ARTS.

23 SECTION 10. SECTIONS 408.6(A) AND (F), 408.7(F), 408.8(F),
24 408.10(F), 408.11(F), 409(B) AND 410(B) AND (C) OF THE ACT,
25 AMENDED OR ADDED APRIL 29, 1994 (P.L.212, NO.30) AND MAY 31,
26 1996 (P.L.312, NO.49), ARE AMENDED TO READ:

27 SECTION 408.6. PERFORMING ARTS FACILITIES IN SECOND CLASS A
28 CITIES, THIRD CLASS CITIES AND TOWNSHIPS OF THE SECOND CLASS
29 LOCATED IN FOURTH CLASS COUNTIES.--(A) THE BOARD IS AUTHORIZED
30 TO ISSUE A RESTAURANT LIQUOR LICENSE TO A NONPROFIT CORPORATION

1 OR TO A CONCESSIONAIRE SELECTED BY SUCH NONPROFIT CORPORATION IN
2 ANY CITY OF THE SECOND CLASS A OR ANY CITY OF THE THIRD CLASS
3 FOR THE RETAIL SALE OF LIQUOR AND MALT OR BREWED BEVERAGES BY
4 THE GLASS, OPEN BOTTLES OR OTHER CONTAINER OR IN ANY MIXTURE FOR
5 CONSUMPTION ON ANY CITY-OWNED PREMISES UTILIZED AS A NONPROFIT
6 PERFORMING ARTS FACILITY OR ANY OTHER PREMISES UTILIZED AS A
7 NONPROFIT PERFORMING ARTS FACILITY WHERE THERE IS AN AVAILABLE
8 SEATING CAPACITY WITHIN THE PREMISES OF [SIX HUNDRED FIFTY] FIVE
9 HUNDRED OR MORE: PROVIDED, HOWEVER, THAT NO SALE OR CONSUMPTION
10 OF SUCH BEVERAGES SHALL TAKE PLACE ON ANY PORTIONS OF SUCH
11 PREMISES OTHER THAN SERVICE AREAS APPROVED BY THE BOARD.

12 * * *

13 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
14 APPLICANT FOR A PERFORMING ARTS FACILITY PURSUANT TO SECTION 465
15 SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH YEAR OF A
16 LICENSING PERIOD.]

17 * * *

18 SECTION 408.7. PERFORMING ARTS FACILITIES IN FIRST AND
19 SECOND CLASS CITIES.--* * *

20 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
21 APPLICANT FOR A PERFORMING ARTS FACILITY PURSUANT TO SECTION 465
22 SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH YEAR OF A
23 LICENSING PERIOD.]

24 * * *

25 SECTION 408.8. TRADE SHOWS AND CONVENTION LICENSES; CITIES
26 OF THE THIRD CLASS.--* * *

27 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
28 APPLICANT FOR A TRADE SHOW OR CONVENTION FACILITY PURSUANT TO
29 SECTION 465 SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH YEAR
30 OF A LICENSING PERIOD.]

1 * * *

2 SECTION 408.10. RECREATION FACILITIES.--* * *

3 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
4 APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION, PURSUANT TO
5 SECTION 465, SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH
6 YEAR OF A LICENSING PERIOD, AND IN ADDITION THERETO THE
7 APPLICANT SHALL FILE AN ADDITIONAL BOND IN A SUM TO ASSURE
8 PAYMENT OF ANY FINE IMPOSED BY THE BOARD UP TO ONE THOUSAND
9 DOLLARS (\$1,000).]

10 * * *

11 SECTION 408.11. SEASONAL OUTDOOR CAFE.--* * *

12 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
13 APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION, PURSUANT TO
14 SECTION 465, SHALL BE TWO THOUSAND DOLLARS (\$2,000).]

15 * * *

16 SECTION 409. SACRAMENTAL WINE LICENSES; FEES; PRIVILEGES;
17 RESTRICTIONS.--* * *

18 (B) EVERY APPLICANT FOR A SACRAMENTAL WINE LICENSE SHALL
19 FILE A WRITTEN APPLICATION WITH THE BOARD IN SUCH FORM AS THE
20 BOARD SHALL FROM TIME TO TIME PRESCRIBE, WHICH SHALL BE
21 ACCOMPANIED BY A FILING FEE AS PRESCRIBED IN SECTION 614-A OF
22 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
23 ADMINISTRATIVE CODE OF 1929," AND A LICENSE FEE OF ONE HUNDRED
24 DOLLARS[, AND A BOND AS HEREINAFTER PRESCRIBED]. EVERY SUCH
25 APPLICATION SHALL CONTAIN A DESCRIPTION OF THE PREMISES FOR
26 WHICH THE APPLICANT DESIRES A LICENSE AND SHALL SET FORTH SUCH
27 OTHER MATERIAL INFORMATION AS MAY BE REQUIRED BY THE BOARD.

28 * * *

29 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;
30 RESTRICTIONS.--* * *

1 (B) EVERY APPLICANT FOR AN IMPORTER'S LICENSE SHALL FILE A
2 WRITTEN APPLICATION WITH THE BOARD IN SUCH FORM AS THE BOARD
3 SHALL FROM TIME TO TIME PRESCRIBE. THE FILING AND LICENSE FEES
4 SHALL BE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
5 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
6 1929." [THE APPLICANT SHALL FILE A BOND AS HEREINAFTER
7 REQUIRED.] EVERY SUCH APPLICATION SHALL CONTAIN A DESCRIPTION OF
8 THE PRINCIPAL PLACE OF BUSINESS FOR WHICH THE APPLICANT DESIRES
9 A LICENSE AND SHALL SET FORTH SUCH OTHER MATERIAL INFORMATION AS
10 MAY BE REQUIRED BY THE BOARD.

11 (C) THE HOLDER OF AN IMPORTER'S LICENSE MAY HAVE INCLUDED IN
12 SUCH LICENSE ONE WAREHOUSE WHEREIN ONLY HIS LIQUOR MAY BE KEPT
13 AND STORED, LOCATED IN THE SAME MUNICIPALITY IN WHICH HIS
14 LICENSED PREMISES IS SITUATE, AND NOT ELSEWHERE, UNLESS SUCH
15 LICENSEE SECURES FROM THE BOARD A LICENSE FOR EACH ADDITIONAL
16 STORAGE WAREHOUSE DESIRED. THE BOARD IS AUTHORIZED AND EMPOWERED
17 TO ISSUE TO A HOLDER OF AN IMPORTER'S LICENSE A LICENSE FOR AN
18 ADDITIONAL STORAGE WAREHOUSE OR WAREHOUSES LOCATED IN THIS
19 COMMONWEALTH, PROVIDED SUCH LICENSED IMPORTER FILES WITH THE
20 BOARD A SEPARATE APPLICATION FOR EACH WAREHOUSE IN SUCH FORM AND
21 CONTAINING SUCH INFORMATION AS THE BOARD MAY FROM TIME TO TIME
22 REQUIRE. THE FILING AND LICENSE FEES SHALL BE AS PRESCRIBED IN
23 SECTION 614-A OF "THE ADMINISTRATIVE CODE OF 1929." [THE
24 APPLICANT SHALL FILE A BOND OF AN APPROVED SURETY COMPANY IN THE
25 AMOUNT OF TEN THOUSAND DOLLARS FOR EACH YEAR OF A LICENSING
26 PERIOD. SUCH BOND SHALL CONTAIN THE SAME PROVISIONS AND
27 CONDITIONS AS ARE REQUIRED IN THE OTHER LICENSE BONDS UNDER THIS
28 ARTICLE.]

29 * * *

30 SECTION 11. SECTION 431(A) AND (B) OF THE ACT, AMENDED MAY

31, 1996 (P.L.312, NO.49), ARE AMENDED AND THE SECTION IS
AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--(A) THE
BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH
OF GOOD REPUTE WHO APPLIES THEREFOR, AND PAYS THE LICENSE FEE
HEREINAFTER PRESCRIBED, [AND FILES THE BOND HEREINAFTER
REQUIRED,] A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE
MALT OR BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER
MALT OR BREWED BEVERAGES [AT OR FROM ONE OR MORE PLACES OF
MANUFACTURE OR STORAGE,] FROM THE PLACE OF MANUFACTURE ONLY IN
ORIGINAL CONTAINERS, IN QUANTITIES OF NOT LESS THAN A CASE OR
ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
OR MORE WHICH MAY BE SOLD SEPARATELY ANYWHERE WITHIN THE
COMMONWEALTH. [LICENSES FOR PLACES OF STORAGE SHALL BE LIMITED
TO THOSE MAINTAINED BY MANUFACTURERS ON JULY EIGHTEENTH, ONE
THOUSAND NINE HUNDRED THIRTY-FIVE, AND THE BOARD SHALL ISSUE NO
LICENSES FOR PLACES OF STORAGE IN ADDITION TO THOSE MAINTAINED
ON JULY EIGHTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE.] THE
APPLICATION FOR SUCH LICENSE SHALL BE IN SUCH FORM AND CONTAIN
SUCH INFORMATION AS THE BOARD SHALL REQUIRE. ALL SUCH LICENSES
SHALL BE GRANTED FOR A LICENSE PERIOD TO BE DETERMINED BY THE
BOARD. EVERY MANUFACTURER SHALL KEEP AT HIS OR ITS PRINCIPAL
PLACE OF BUSINESS, WITHIN THE COMMONWEALTH DAILY PERMANENT
RECORDS WHICH SHALL SHOW, (1) THE QUANTITIES OF RAW MATERIALS
RECEIVED AND USED IN THE MANUFACTURE OF MALT OR BREWED BEVERAGES
AND THE QUANTITIES OF MALT OR BREWED BEVERAGES MANUFACTURED AND
STORED, (2) THE SALES OF MALT OR BREWED BEVERAGES, (3) THE
QUANTITIES OF MALT OR BREWED BEVERAGES STORED FOR HIRE OR
TRANSPORTED FOR HIRE BY OR FOR THE LICENSEE, AND (4) THE NAMES

1 AND ADDRESSES OF THE PURCHASERS OR OTHER RECIPIENTS THEREOF.
2 EVERY PLACE LICENSED AS A MANUFACTURER SHALL BE SUBJECT TO
3 INSPECTION BY MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED
4 AND DESIGNATED BY THE BOARD, AT ANY AND ALL TIMES OF THE DAY OR
5 NIGHT, AS THEY MAY DEEM NECESSARY, FOR THE DETECTION OF
6 VIOLATIONS OF THIS ACT OR OF THE RULES AND REGULATIONS OF THE
7 BOARD, OR FOR THE PURPOSE OF ASCERTAINING THE CORRECTNESS OF THE
8 RECORDS REQUIRED TO BE KEPT BY LICENSEES. THE BOOKS AND RECORDS
9 OF SUCH LICENSEES SHALL AT ALL TIMES BE OPEN TO INSPECTION BY
10 MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED AND
11 DESIGNATED BY THE BOARD. MEMBERS OF THE BOARD AND ITS DULY
12 AUTHORIZED AGENTS SHALL HAVE THE RIGHT, WITHOUT HINDRANCE, TO
13 ENTER ANY PLACE WHICH IS SUBJECT TO INSPECTION HEREUNDER OR ANY
14 PLACE WHERE SUCH RECORDS ARE KEPT FOR THE PURPOSE OF MAKING SUCH
15 INSPECTIONS AND MAKING TRANSCRIPTS THEREOF. WHENEVER ANY CHECKS
16 ISSUED IN PAYMENT OF FILING AND/OR LICENSE FEES SHALL BE
17 RETURNED TO THE BOARD AS DISHONORED, THE BOARD SHALL CHARGE A
18 FEE OF FIVE DOLLARS (\$5.00) PER HUNDRED DOLLARS OR FRACTIONAL
19 PART THEREOF, PLUS ALL PROTEST FEES, TO THE MAKER OF SUCH CHECK
20 SUBMITTED TO THE BOARD. FAILURE TO MAKE FULL PAYMENT OR PAY THE
21 FACE AMOUNT OF THE CHECK IN FULL AND ALL CHARGES THEREON AS
22 HEREIN REQUIRED WITHIN TEN DAYS AFTER DEMAND HAS BEEN MADE BY
23 THE BOARD UPON THE MAKER OF THE CHECK OR UPON NOTIFICATION TO
24 THE BOARD BY THE DEPARTMENT OF REVENUE OR THE DEPARTMENT OF
25 LABOR AND INDUSTRY OF ITS OBJECTION, THE LICENSE OF SUCH PERSON
26 SHALL IMMEDIATELY BECOME INVALID AND SHALL REMAIN INVALID UNTIL
27 PAYMENT AND ALL CHARGES ARE RECEIVED BY THE BOARD.

28 (A.1) ANY OUT OF STATE MANUFACTURER WHOSE PRODUCTS ARE SOLD
29 AND DELIVERED WITHIN THIS COMMONWEALTH SHALL BE AUTHORIZED TO
30 RENT, LEASE OR OTHERWISE ACQUIRE SPACE FROM AN IMPORTING

1 DISTRIBUTOR OR BAILEE FOR HIRE AUTHORIZED BY THIS ACT AT NO MORE
2 THAN TWO DIFFERENT LOCATIONS FOR USE OF A SEGREGATED PORTION OF
3 A WAREHOUSE OR OTHER STORAGE FACILITY OWNED OR OPERATED BY THE
4 IMPORTING DISTRIBUTOR OR BAILEE FOR HIRE AT WHICH THE OUT OF
5 STATE MANUFACTURER MAY STORE AND SELL MALT OR BREWED BEVERAGES
6 TO ANY IMPORTING DISTRIBUTOR TO WHOM THE OUT OF STATE
7 MANUFACTURER HAS GRANTED DISTRIBUTION RIGHTS PURSUANT TO
8 SUBSECTION (B) OR TO ANY PURCHASER OUTSIDE THIS COMMONWEALTH FOR
9 DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO ITS STORAGE
10 FACILITY OUTSIDE THIS COMMONWEALTH. SUCH MANUFACTURER MAY
11 COMPENSATE THE IMPORTING DISTRIBUTOR OR BAILEE FOR HIRE FOR ANY
12 RELATED STORAGE OR DELIVERY SERVICES. NOTHING IN THIS ACT
13 AUTHORIZING STORAGE FACILITIES FOR OUT OF STATE MANUFACTURERS IS
14 INTENDED TO MAKE ANY CHANGE IN THE MANNER MALT OR BREWED
15 BEVERAGES IS DISTRIBUTED THROUGH THE THREE-TIER SYSTEM.

16 (A.2) THE BOARD SHALL ISSUE TO A HOLDER OF A MANUFACTURER'S
17 LICENSE NO MORE THAN TWO STORAGE LICENSES TO COVER STORAGE
18 FACILITIES SEPARATE FROM THE LOCATION OF THE MANUFACTURING
19 FACILITY. A MANUFACTURER MAY USE ITS STORAGE FACILITIES TO
20 RECEIVE, STORE, SELL AND DISTRIBUTE MALT OR BREWED BEVERAGES IN
21 THE SAME MANNER AS IT CAN AT ITS PLACE OF MANUFACTURE. A
22 SEPARATE WRITTEN APPLICATION MUST BE FILED TO ACQUIRE STORAGE
23 LICENSES AND THE BOARD IS EMPOWERED TO ESTABLISH WHAT
24 INFORMATION MUST BE PROVIDED ON THAT APPLICATION. THE FILING AND
25 LICENSE FEES SHALL BE PRESCRIBED IN SECTION 614-A OF THE ACT OF
26 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
27 CODE OF 1929." NOTHING IN THIS ACT AUTHORIZING OFF-SITE STORAGE
28 FACILITIES FOR MANUFACTURERS IS INTENDED TO MAKE ANY CHANGE IN
29 THE MANNER MALT OR BREWED BEVERAGES IS DISTRIBUTED THROUGH THE
30 THREE-TIER SYSTEM.

1 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
2 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
3 PRESCRIBED, [AND FILES THE BOND HEREINAFTER REQUIRED,] A
4 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE
5 WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE OF MALT OR
6 BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES WHERE
7 SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL
8 CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE
9 WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET BY THE
10 MANUFACTURER AT THE PLACE OF MANUFACTURE. THE BOARD SHALL HAVE
11 THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
12 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
13 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
14 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
15 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
16 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
17 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
18 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
19 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
20 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
21 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
22 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
23 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
24 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
25 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
26 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
27 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
28 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
29 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
30 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE

1 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
2 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
3 FUELS OR OIL IS CONDUCTED. THE BOARD SHALL REQUIRE NOTICE TO BE
4 POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR
5 PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED
6 BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED
7 OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

8 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
9 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
10 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
11 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
12 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
13 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
14 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM IMPORTING
15 DISTRIBUTORS AS PROVIDED IN THIS SUBSECTION MANUFACTURERS OR
16 PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE OF
17 MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
18 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
19 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
20 AUTHORIZED TO STORE MALT OR BREWED BEVERAGES OWNED BY AN OUT OF
21 STATE MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
22 OTHER STORAGE FACILITY OPERATED BY THE IMPORTING DISTRIBUTOR,
23 AND DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO
24 HAS BEEN GRANTED DISTRIBUTION RIGHTS BY THE OUT OF STATE
25 MANUFACTURER AS PROVIDED HEREIN. THE IMPORTING DISTRIBUTOR SHALL
26 BE PERMITTED TO RECEIVE A FEE FROM THE OUT OF STATE MANUFACTURER
27 FOR ANY RELATED STORAGE OR DELIVERY SERVICES. IN THE CASE OF A
28 BAILEE FOR HIRE HIRED BY AN OUT OF STATE MANUFACTURER, THE
29 HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED TO RECEIVE, STORE,
30 CONFIGURE OR RECONFIGURE CASES OF OR REPACKAGE CASES OF MALT OR

BREWED BEVERAGES PRODUCED BY THAT OUT OF STATE MANUFACTURER FOR
SALE BY THAT MANUFACTURER TO IMPORTING DISTRIBUTORS TO WHOM THAT
OUT OF STATE MANUFACTURER HAS GIVEN DISTRIBUTION RIGHTS PURSUANT
TO THIS SUBSECTION OR TO PURCHASERS OUTSIDE THIS COMMONWEALTH
FOR DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO THAT OUT
OF STATE MANUFACTURER'S STORAGE FACILITIES OUTSIDE THIS
COMMONWEALTH. THE BAILEE FOR HIRE SHALL BE PERMITTED TO RECEIVE
A FEE FROM THE OUT OF STATE MANUFACTURER FOR ANY RELATED STORAGE
OR DELIVERY SERVICES.

EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
MANUFACTURER. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT
OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
MANUFACTURER.

WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES

1 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
2 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
3 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
4 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
5 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
6 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
7 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
8 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
9 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
10 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
11 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
12 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
13 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
14 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
15 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
16 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
17 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
18 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
19 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
20 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
21 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
22 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
23 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
24 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
25 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
26 AFFECTED.

27 * * *

28 SECTION 12. SECTIONS 433.1(B) AND 435 OF THE ACT, AMENDED
29 APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

30 SECTION 433.1. STADIUM OR ARENA PERMITS.--* * *

1 (B) THE OWNER OR LESSEE OR A CONCESSIONAIRE OF ANY SUCH
2 PREMISES MAY MAKE APPLICATION FOR A PERMIT. THE AFORESAID
3 PERMITS SHALL BE ISSUED ONLY TO REPUTABLE INDIVIDUALS,
4 PARTNERSHIPS AND ASSOCIATIONS, WHO ARE OR WHOSE MEMBERS ARE
5 CITIZENS OF THE UNITED STATES AND HAVE FOR TWO YEARS PRIOR TO
6 THE DATE OF THEIR APPLICATIONS BEEN RESIDENTS OF THE
7 COMMONWEALTH OF PENNSYLVANIA, OR TO REPUTABLE CORPORATIONS
8 ORGANIZED OR DULY REGISTERED UNDER THE LAWS OF THE COMMONWEALTH
9 OF PENNSYLVANIA, ALL OF WHOSE OFFICERS AND DIRECTORS ARE
10 CITIZENS OF THE UNITED STATES. EACH APPLICANT SHALL FURNISH
11 PROOF SATISFACTORY TO THE BOARD THAT HE IS OF GOOD REPUTE AND
12 FINANCIALLY RESPONSIBLE AND THAT THE PREMISES UPON WHICH HE
13 PROPOSES TO DO BUSINESS IS A PROPER PLACE. AN APPLICANT UNDER
14 SUBSECTION (A)(2) FOR A PERMIT FOR A STADIUM OR ARENA OWNED BY
15 THE CITY IN A CITY OF THE THIRD CLASS WHICH SHALL HAVE A SEATING
16 CAPACITY OF AT LEAST FOUR THOUSAND BUT LESS THAN SIX THOUSAND
17 FIVE HUNDRED SHALL DESIGNATE ONE OR MORE AREAS OF THE LICENSED
18 PREMISES COMPRISING NOT LESS THAN FIFTEEN PERCENT (15%) OF ITS
19 SEATING CAPACITY IN WHICH THE SALE OF MALT AND BREWED BEVERAGES
20 SHALL NOT BE AUTHORIZED. THE APPLICANT SHALL SUBMIT SUCH OTHER
21 INFORMATION AS THE BOARD MAY REQUIRE. APPLICATIONS SHALL BE, IN
22 WRITING ON FORMS PRESCRIBED BY THE BOARD, AND SIGNED AND SWORN
23 TO BY THE APPLICANT. THE APPLICATION AND PERMIT FEES SHALL BE AS
24 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
25 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
26 [A SURETY BOND IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1000)
27 SHALL BE FILED FOR EACH YEAR OF A LICENSING PERIOD CONDITIONED
28 THE SAME AS THE LICENSE BONDS REQUIRED BY THIS ACT FOR RETAIL
29 DISPENSER LICENSES.]

30 * * *

1 SECTION 435. FILING OF APPLICATIONS FOR DISTRIBUTORS',
2 IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES; FILING
3 FEE.--EVERY PERSON INTENDING TO APPLY FOR A DISTRIBUTOR'S,
4 IMPORTING DISTRIBUTOR'S OR RETAIL DISPENSER'S LICENSE, AS
5 AFORESAID, IN ANY MUNICIPALITY OF THIS COMMONWEALTH, SHALL FILE
6 WITH THE BOARD HIS OR ITS APPLICATION. ALL SUCH APPLICATIONS
7 SHALL BE FILED AT A TIME TO BE FIXED BY THE BOARD. THE APPLICANT
8 SHALL FILE WITH THE BOARD FEES AS PRESCRIBED IN SECTION 614-A OF
9 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
10 ADMINISTRATIVE CODE OF 1929." [THE APPLICANT SHALL FILE A BOND
11 AS HEREIN REQUIRED.]

12 SECTION 13. SECTION 441(A) OF THE ACT, AMENDED MAY 31, 1996
13 (P.L.312, NO.49), IS AMENDED TO READ:

14 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
15 RESTRICTIONS ON SALES, STORAGE, ETC.--(A) NO DISTRIBUTOR OR
16 IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR RESELL ANY MALT
17 OR BREWED BEVERAGES EXCEPT:

18 (1) IN THE ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY
19 THE MANUFACTURER AT THE PLACE OF MANUFACTURE; [OR]

20 (2) IN THE CASE OF IDENTICAL CONTAINERS REPACKAGED IN THE
21 MANNER DESCRIBED BY SUBSECTION (F)[.]; OR

22 (3) AS PROVIDED IN SECTION 431(B).

23 * * *

24 SECTION 14. SECTION 443(E) AND (F) OF THE ACT ARE AMENDED TO
25 READ:

26 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--* * *

27 (E) EXCEPTING AS HEREINAFTER PROVIDED, NO MANUFACTURER OF
28 MALT OR BREWED BEVERAGES SHALL IN ANY WISE BE INTERESTED, EITHER
29 DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR LEASEHOLD OF ANY
30 PROPERTY OR ANY MORTGAGE LIEN AGAINST THE SAME, FOR WHICH A

1 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE IS GRANTED; NOR
2 SHALL ANY SUCH MANUFACTURER, EITHER DIRECTLY OR INDIRECTLY, LEND
3 ANY MONEYS, CREDIT, OR THEIR EQUIVALENT TO, OR GUARANTEE THE
4 PAYMENT OF ANY BOND, MORTGAGE, NOTE OR OTHER OBLIGATION OF, ANY
5 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, IN EQUIPPING, FITTING OUT,
6 OR MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN PART, AN
7 ESTABLISHMENT OR BUSINESS WHERE MALT OR BREWED BEVERAGES ARE
8 LICENSED FOR SALE BY A DISTRIBUTOR OR IMPORTING DISTRIBUTOR,
9 EXCEPTING ONLY THE USUAL CREDITS ALLOWED FOR THE RETURN OF
10 ORIGINAL CONTAINERS IN WHICH MALT OR BREWED BEVERAGES WERE
11 ORIGINALLY PACKAGED FOR THE MARKET BY THE MANUFACTURER AT THE
12 PLACE OF MANUFACTURE: PROVIDED, HOWEVER, THAT A HOLDER OF A
13 MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO
14 OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY
15 AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE
16 UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A
17 MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S
18 OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE
19 OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES
20 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED
21 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS
22 FOR EACH RESPECTIVE LICENSE. NOTHING IN THIS SECTION SHALL BE
23 CONSTRUED TO PROHIBIT AN OUT OF STATE MANUFACTURER FROM ENGAGING
24 IN A TRANSACTION OR MAKING PAYMENTS AUTHORIZED BY SECTION
25 431(A.1).

26 (F) NO DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL
27 DISPENSER SHALL IN ANYWISE RECEIVE, EITHER DIRECTLY OR
28 INDIRECTLY, ANY CREDIT, LOAN, MONEYS OR THE EQUIVALENT THEREOF
29 FROM ANY OTHER LICENSEE, OR FROM ANY OFFICER, DIRECTOR OR FIRM
30 MEMBER OF ANY OTHER LICENSEE, OR FROM OR THROUGH A SUBSIDIARY OR

1 AFFILIATE OF ANOTHER LICENSEE, OR FROM ANY FIRM, ASSOCIATION OR
2 CORPORATION, EXCEPT BANKING INSTITUTIONS, IN WHICH ANOTHER
3 LICENSEE OR ANY OFFICER, DIRECTOR OR FIRM MEMBER OF ANOTHER
4 LICENSEE HAS A SUBSTANTIAL INTEREST OR EXERCISES A CONTROL OF
5 ITS BUSINESS POLICY, FOR EQUIPPING, FITTING OUT, PAYMENT OF
6 LICENSE FEE, MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN
7 PART, AN ESTABLISHMENT OR BUSINESS OPERATED UNDER A
8 DISTRIBUTOR'S, IMPORTING DISTRIBUTOR'S OR RETAIL DISPENSER'S
9 LICENSE, EXCEPTING ONLY THE USUAL AND CUSTOMARY CREDITS ALLOWED
10 FOR THE RETURN OF ORIGINAL CONTAINERS IN WHICH MALT OR BREWED
11 BEVERAGES WERE PACKAGED FOR THE MARKET BY THE MANUFACTURER AT
12 THE PLACE OF MANUFACTURE: PROVIDED, HOWEVER, THAT A HOLDER OF A
13 MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO
14 OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY
15 AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE
16 UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A
17 MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S
18 OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE
19 OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES
20 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED
21 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS
22 FOR EACH RESPECTIVE LICENSE. NOTHING IN THIS SECTION SHALL BE
23 CONSTRUED TO PROHIBIT AN IMPORTING DISTRIBUTOR FROM RECEIVING
24 PAYMENT FROM AN OUT OF STATE MANUFACTURER FOR ENGAGING IN A
25 TRANSACTION OR PERFORMING SERVICES AUTHORIZED BY SECTION 431(B)
26 OR 444(A.1).

27 * * *

28 SECTION 15. SECTION 444(E) OF THE ACT IS AMENDED AND THE
29 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

30 SECTION 444. MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE

1 THIS COMMONWEALTH.--* * *

2 (A.1) ANY OUT OF STATE MANUFACTURER OF MALT OR BREWED
3 BEVERAGES MAY APPOINT AN IMPORTING DISTRIBUTOR OR BAILEE FOR
4 HIRE TO PERFORM THE SERVICES PRESCRIBED IN SECTION 431(B) AND
5 PROVIDE A FEE TO AN IMPORTING DISTRIBUTOR OR BAILEE FOR HIRE WHO
6 PERFORMS SUCH SERVICES.

7 * * *

8 (E) UPON SUCH HEARING, WHETHER OR NOT AN APPEARANCE WAS MADE
9 BY SUCH OUTSIDE MANUFACTURER, IF SATISFIED THAT ANY SUCH
10 VIOLATION HAS OCCURRED, THE BOARD IS SPECIFICALLY EMPOWERED AND
11 DIRECTED TO ISSUE AN ORDER IMPOSING A FINE UPON SUCH OUTSIDE
12 MANUFACTURER OF NOT LESS THAN FIVE HUNDRED DOLLARS (\$500) OR
13 MORE THAN TEN THOUSAND DOLLARS (\$10,000), OR PROHIBITING THE
14 IMPORTATION OF MALT OR BREWED BEVERAGES MANUFACTURED BY SUCH
15 [OUTSIDE] OUT OF STATE MANUFACTURER INTO THIS COMMONWEALTH FOR A
16 PERIOD NOT EXCEEDING THREE YEARS, OR BOTH. SUCH FINE OR
17 PROHIBITION SHALL NOT GO INTO EFFECT UNTIL TWENTY DAYS HAVE
18 ELAPSED FROM THE DATE OF NOTICE OF ISSUANCE OF THE BOARD'S
19 ORDER.

20 * * *

21 SECTION 16. SECTION 461.1 OF THE ACT, AMENDED JUNE 30, 1992
22 (P.L.327, NO.66), IS AMENDED TO READ:

23 SECTION 461.1. INCORPORATED UNITS OF NATIONAL VETERANS'
24 ORGANIZATIONS.--(A) THE BOARD SHALL HAVE THE AUTHORITY TO ISSUE
25 NEW LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
26 ORGANIZATIONS, AS DEFINED HEREIN, IN MUNICIPALITIES WHERE THE
27 NUMBER OF LICENSES EXCEEDS THE LIMITATION PRESCRIBED BY SECTION
28 461.

29 (B) THE TERM "NATIONAL VETERANS' ORGANIZATION" SHALL MEAN
30 ANY VETERANS' ORGANIZATION HAVING A NATIONAL CHARTER.

1 THE TERM "INCORPORATED UNIT OF A NATIONAL VETERANS'
2 ORGANIZATION" SHALL MEAN ANY INCORPORATED POST, BRANCH, CAMP,
3 DETACHMENT, LODGE OR OTHER SUBORDINATE UNIT OF A NATIONAL
4 VETERANS' ORGANIZATION HAVING ONE HUNDRED OR MORE PAID UP
5 MEMBERS AND ORGANIZED FOR A PERIOD OF AT LEAST ONE YEAR PRIOR TO
6 FILING THE APPLICATION FOR A LICENSE. THE TERM DOES NOT INCLUDE
7 AUXILIARIES, "SONS OF" OR OTHER SIMILAR ORGANIZATION.

8 THE TERM "AFFILIATED ORGANIZATION" SHALL MEAN HOME
9 ASSOCIATIONS, HOME CORPORATIONS, AUXILIARIES, "SONS OF" OR
10 SIMILAR ORGANIZATIONS WHICH ARE DIRECTLY AFFILIATED WITH AN
11 INCORPORATED UNIT OR A NATIONAL VETERANS' ORGANIZATION. AN
12 AFFILIATED ORGANIZATION MUST MEET THE DEFINITION OF A CLUB SET
13 FORTH IN SECTION 102, EXCEPT THAT:

14 (1) IF INCORPORATED, THE AFFILIATED ORGANIZATION NEED NOT
15 HAVE BEEN IN CONTINUOUS EXISTENCE FOR AT LEAST ONE YEAR PRIOR TO
16 ITS APPLICATION; OR

17 (2) IF UNINCORPORATED, THE AFFILIATED ORGANIZATION NEED NOT
18 HAVE BEEN IN CONTINUOUS EXISTENCE FOR AT LEAST TEN YEARS PRIOR
19 TO ITS APPLICATION.

20 (C) WHEN THE CHARTER OF AN INCORPORATED UNIT OF A NATIONAL
21 VETERANS' ORGANIZATION IS SUSPENDED OR REVOKED, THE [RETAIL]
22 CLUB LICENSE OF THE ORGANIZATION SHALL ALSO BE SUSPENDED OR
23 [REVOKED] RESCINDED. THE [RETAIL] CLUB LICENSE OF AN
24 INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION IS NOT
25 TRANSFERABLE TO ANY OTHER ORGANIZATION OR PERSON[.], EXCEPT AS
26 PROVIDED IN THIS SECTION.

27 (D) AN INCORPORATED UNIT OF A NATIONAL VETERANS'
28 ORGANIZATION MAY TRANSFER ITS CLUB LICENSE TO ITS AFFILIATED
29 ORGANIZATION AS LONG AS, IN ADDITION TO FULFILLING ALL THE
30 REQUIREMENTS PERTAINING TO THE TRANSFER OF CLUB LICENSES, THE

1 STATE DEPARTMENT OF THE NATIONAL VETERANS' ORGANIZATION PROVIDES
2 THE BOARD WITH WRITTEN APPROVAL FOR SUCH A TRANSFER. THE LICENSE
3 SHALL BE SUSPENDED OR RESCINDED UPON THE SUSPENSION OR
4 REVOCATION OF THE CHARTER OF THE AFFILIATED INCORPORATED UNIT OF
5 THE NATIONAL VETERANS' ORGANIZATION. THE LICENSE SHALL ALSO BE
6 RESCINDED UPON REQUEST OF THE STATE DEPARTMENT OF THE NATIONAL
7 VETERANS' ORGANIZATION OR IF THE AFFILIATED ORGANIZATION'S
8 AFFILIATION WITH THE INCORPORATED UNIT OF THE NATIONAL VETERANS'
9 ORGANIZATION IS SEVERED.

10 (E) ONLY ONE CLUB LICENSE MAY BE ISSUED TO THE INCORPORATED
11 UNIT OF THE NATIONAL VETERANS' ORGANIZATION, AND THE BOARD MAY
12 NOT ISSUE A LICENSE TO AN INCORPORATED UNIT OF A NATIONAL
13 VETERANS' ORGANIZATION IF ANY OF THE UNIT'S AFFILIATED
14 ORGANIZATIONS HOLDS A CLUB LICENSE.

15 (F) FOR PURPOSES OF THIS SECTION, A MUNICIPALITY WHICH
16 PERMITS THE ISSUANCE OF CLUB LIQUOR LICENSES TO INCORPORATED
17 UNITS OF NATIONAL VETERANS' ORGANIZATIONS ALSO PERMITS THE
18 TRANSFER OF SUCH LICENSES TO AN AFFILIATED ORGANIZATION OF THE
19 INCORPORATED UNIT OF THE NATIONAL VETERANS' ORGANIZATION.

20 (G) AN INCORPORATED UNIT OF A NATIONAL VETERANS' ASSOCIATION
21 OR AN AFFILIATED ORGANIZATION WHICH HAS ITS LICENSE SUSPENDED OR
22 RESCINDED OR ITS REQUEST FOR TRANSFER DENIED UNDER THIS SECTION
23 MAY REQUEST A HEARING BEFORE A HEARING EXAMINER UNDER SECTION
24 464. THE BOARD MAY NOT CONSIDER THE PROPRIETY OF THE STATE
25 DEPARTMENT OF THE NATIONAL VETERANS' ORGANIZATION'S DECISION TO
26 SUSPEND THE CHARTER, REVOKE THE CHARTER OR REFUSE TO APPROVE THE
27 TRANSFER. THE WRITTEN REQUEST FROM THE STATE DEPARTMENT OF THE
28 NATIONAL VETERANS' ORGANIZATION, STANDING ALONE, IS ADMISSIBLE
29 EVIDENCE AT THE BOARD HEARING. AN APPEAL OF THE BOARD'S DECISION
30 MAY BE TAKEN UNDER SECTION 464, EXCEPT THAT THE APPEAL SHALL NOT

1 ACT AS A SUPERSEDEAS OF THE BOARD'S DECISION.

2 Section 3 17. Section 468(a) and (c) of the act are amended <—
3 to read:

4 Section 468. Licenses Not Assignable; Transfers.--(a) (1)
5 Licenses issued under this article may not be assigned. The
6 board, upon payment of the transfer filing fee [and the
7 execution of a new bond], is hereby authorized to transfer any
8 license issued by it under the provisions of this article from
9 one person to another or from one place to another, or both,
10 within the same municipality, and if the applicant is a unit of
11 a nonprofit nationally chartered club, the board is hereby
12 authorized to transfer such license to a place in any other
13 municipality within the same county if the sale of liquor or
14 malt and brewed beverages are legal in such other municipality
15 as the board may determine. Prior to the approval of an
16 application for transfer by a unit of a nonprofit nationally
17 chartered club the board shall make an affirmative finding, upon
18 proof submitted by the applicant, and after investigation by the
19 board, that at the time the application for transfer is made the
20 club continues to hold a valid national charter and continues to
21 function in fact as a club as defined in section 102. The board,
22 in its discretion, may transfer an existing restaurant retail
23 dispenser or club license from one municipality to another in
24 the same county regardless of the quota limitations provided for
25 in this act, if sales of liquor or malt and brewed beverages are
26 legal in such other municipality and if the restaurant retail
27 dispenser or club lost the use of the building in which it was
28 located due to governmental exercise of the right of eminent
29 domain and no other suitable building can be found in the first
30 municipality.

1 (2) (i) The board, in its discretion, may transfer an
2 existing restaurant liquor license or a retail dispenser license
3 from one municipality to another municipality of the same county
4 or in a contiguous county regardless of the quota limitations
5 provided for in this act, if:

6 (A) sales of liquor or malt and brewed beverages are legal
7 in such other municipality;

8 (B) the location in the same county or a contiguous county
9 is an indoor bowling center; and

10 (C) the restaurant liquor license or a retail dispenser
11 license is currently located in an area which has been
12 designated as blighted.

13 (ii) for purposes of this subsection, a property shall be
14 determined to be blighted if it is any of the following:

15 (A) real property within or outside a certified
16 redevelopment area determined to be blighted property under the
17 act of May 24, 1945 (P.L.991, No.385), known as the "Urban
18 Redevelopment Law";

19 (B) any property declared to be blighted by a Pennsylvania
20 local government or its agency; or

21 (C) any property which is located within a redevelopment
22 area, when one of the stated purposes of designation as a
23 redevelopment area is to remove blight, designated by a local
24 government or its agencies under the "Urban Redevelopment Law."

25 (iii) A restaurant liquor license or a retail dispenser
26 license which is transferred to an indoor bowling center may not
27 be transferred again for five years unless that transfer is in
28 conjunction with the sale of the bowling business. In the case

29 of distributor and importing distributor licenses, the board may
30 transfer any such license from its place in a municipality to a

1 place in any other municipality within the same county, or from
2 one place to another place within the same municipality, or
3 exchange a distributor license for an importing distributor
4 license or an importing distributor license for a distributor
5 license, if the building for which the license is to be issued
6 has, in the case of an importing distributor license, an area
7 under one roof of two thousand five hundred square feet and, in
8 the case of a distributor license, an area under one roof of one
9 thousand square feet: And provided, That, in the case of all
10 transfers of distributor or importing distributor licenses,
11 whether from a place within the same municipality to another
12 place within the same municipality or from a place in a
13 municipality to a place in any other municipality within the
14 same county, and, in the case of an exchange of a distributor
15 license for an importing distributor license or an importing
16 distributor license for a distributor license, the premises to
17 be affected by the transfer or exchange shall contain an office
18 separate and apart from the remainder of the premises to be
19 licensed for the purpose of keeping records, required by the
20 board, adequate toilet facilities for employes of the licensee
21 and an entrance on a public thoroughfare: Provided, however,
22 That in the event that the majority of the voting electors of a
23 municipality, at an election held under the provisions of any
24 law so empowering them to do, shall vote against the issuance of
25 distributor or importing distributor licenses in such
26 municipality, the board is hereby authorized to transfer any
27 such distributor or importing distributor license from its place
28 in such municipality to a place in any other municipality within
29 the same county, upon application prior to the expiration of any
30 such license and upon payment of the transfer filing fee [and

1 the execution of a new bond]; but no transfer shall be made to a
2 person who would not have been eligible to receive the license
3 originally nor for the transaction of business at a place for
4 which the license could not lawfully have been issued
5 originally, nor, except as herein provided, to a place as to
6 which a license has been revoked.

7 (3) No license shall be transferred to any place or property
8 upon which is located as a business the sale of liquid fuels and
9 oil. Except in cases of emergency such as death, serious
10 illness, or circumstances beyond the control of the licensee, as
11 the board may determine such circumstances to justify its
12 action, transfers of licenses may be made only at times fixed by
13 the board. In the case of the death of a licensee, the board may
14 transfer the license to the surviving spouse or personal
15 representative or to a person designated by him. From any
16 refusal to grant a transfer or upon the grant of any transfer,
17 the party aggrieved shall have the right of appeal to the proper
18 court in the manner hereinbefore provided.

19 * * *

20 (c) (1) The term "nonprofit nationally chartered club" shall
21 mean any club which does not contemplate pecuniary gain or
22 profit, incidental or otherwise, having a national charter.

23 (2) The term "unit of a nonprofit nationally chartered club"
24 shall mean any post, branch, lodge or other subordinate unit of
25 a nonprofit nationally chartered club.

26 (3) The term "indoor bowling center" shall mean an enclosed
27 facility of at least fourteen thousand square feet with a
28 minimum of eighteen bowling lanes and which has as its primary
29 focus the offering of bowling as a recreational activity to the
30 general public.

1 * * *

2 ~~Section 4. This act shall take effect immediately.~~ <—

3 SECTION 18. SECTIONS 469 AND 470 OF THE ACT, AMENDED APRIL <—
4 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

5 SECTION 469. APPLICATIONS FOR TRANSFERS; FEES.--(A) EVERY
6 APPLICANT FOR A TRANSFER OF A LICENSE UNDER THE PROVISIONS OF
7 THIS ARTICLE SHALL FILE A WRITTEN APPLICATION WITH THE BOARD,
8 TOGETHER WITH A FILING FEE AS PRESCRIBED IN SECTION 614-A OF THE
9 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
10 ADMINISTRATIVE CODE OF 1929." [EACH SUCH APPLICANT SHALL ALSO
11 FILE AN APPROVED BOND FOR EACH YEAR OF A LICENSING PERIOD AS
12 REQUIRED ON ORIGINAL APPLICATIONS FOR SUCH LICENSES.]

13 (B) WHENEVER ANY LICENSE IS TRANSFERRED, NO LICENSE OR OTHER
14 FEES SHALL BE REQUIRED FROM THE PERSONS TO WHOM SUCH TRANSFER IS
15 MADE FOR THE PORTION OF THE LICENSE PERIOD FOR WHICH THE LICENSE
16 FEE HAS BEEN PAID BY THE TRANSFEROR, EXCEPT FOR TRANSFER FEES
17 PROVIDED IN SECTION 614-A OF "THE ADMINISTRATIVE CODE OF 1929."

18 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
19 LICENSEES IN ARMED SERVICE.--(A) ALL APPLICATIONS FOR RENEWAL
20 OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE FILED
21 WITH [A NEW BOND,] TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE
22 AND THE DEPARTMENT OF LABOR AND INDUSTRY AND REQUISITE LICENSE
23 AND FILING FEES AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE
24 OF SAME: PROVIDED, HOWEVER, THAT THE BOARD, IN ITS DISCRETION,
25 MAY ACCEPT A RENEWAL APPLICATION FILED LESS THAN SIXTY DAYS
26 BEFORE THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED
27 [BOND AND] FEES, UPON REASONABLE CAUSE SHOWN AND THE PAYMENT OF
28 AN ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR
29 LATE FILING: AND PROVIDED FURTHER, THAT EXCEPT WHERE THE FAILURE
30 TO FILE A RENEWAL APPLICATION ON OR BEFORE THE EXPIRATION DATE

1 HAS CREATED A LICENSE QUOTA VACANCY AFTER SAID EXPIRATION DATE
2 WHICH HAS BEEN FILLED BY THE ISSUANCE OF A NEW LICENSE, AFTER
3 SUCH EXPIRATION DATE, BUT BEFORE THE BOARD HAS RECEIVED A
4 RENEWAL APPLICATION WITHIN THE TIME PRESCRIBED HEREIN THE BOARD,
5 IN ITS DISCRETION, MAY, AFTER HEARING, ACCEPT A RENEWAL
6 APPLICATION FILED WITHIN TEN MONTHS AFTER THE EXPIRATION DATE OF
7 THE LICENSE WITH THE REQUIRED [BOND AND] FEES UPON THE PAYMENT
8 OF AN ADDITIONAL FILING FEE OF TWO HUNDRED FIFTY DOLLARS
9 (\$250.00) FOR LATE FILING. WHERE ANY SUCH RENEWAL APPLICATION IS
10 FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION DATE, OR
11 SUBSEQUENT TO THE EXPIRATION DATE, NO LICENSE SHALL ISSUE UPON
12 THE FILING OF THE RENEWAL APPLICATION UNTIL THE MATTER IS
13 FINALLY DETERMINED BY THE BOARD AND IF AN APPEAL IS TAKEN FROM
14 THE BOARD'S ACTION THE COURTS SHALL NOT ORDER THE ISSUANCE OF
15 THE RENEWAL LICENSE UNTIL FINAL DETERMINATION OF THE MATTER BY
16 THE COURTS. A RENEWAL APPLICATION WILL NOT BE CONSIDERED FILED
17 UNLESS ACCOMPANIED BY [A NEW BOND AND] THE REQUISITE FILING AND
18 LICENSE FEES AND ANY ADDITIONAL FILING FEE REQUIRED BY THIS
19 SECTION. UNLESS THE BOARD SHALL HAVE GIVEN TEN DAYS' PREVIOUS
20 NOTICE TO THE APPLICANT OF OBJECTIONS TO THE RENEWAL OF HIS
21 LICENSE, BASED UPON VIOLATION BY THE LICENSEE OR HIS SERVANTS,
22 AGENTS OR EMPLOYES OF ANY OF THE LAWS OF THE COMMONWEALTH OR
23 REGULATIONS OF THE BOARD RELATING TO THE MANUFACTURE,
24 TRANSPORTATION, USE, STORAGE, IMPORTATION, POSSESSION OR SALE OF
25 LIQUORS, ALCOHOL OR MALT OR BREWED BEVERAGES, OR THE CONDUCT OF
26 A LICENSED ESTABLISHMENT, OR UNLESS THE APPLICANT HAS BY HIS OWN
27 ACT BECOME A PERSON OF ILL REPUTE, OR UNLESS THE PREMISES DO NOT
28 MEET THE REQUIREMENTS OF THIS ACT OR THE REGULATIONS OF THE
29 BOARD, THE LICENSE OF A LICENSEE SHALL BE RENEWED.

30 (A.1) THE DIRECTOR OF THE BUREAU OF LICENSING MAY OBJECT TO

1 A PROPERLY FILED LICENSE APPLICATION:

2 (1) IF THE LICENSEE, ITS SHAREHOLDERS, DIRECTORS, OFFICERS,
3 ASSOCIATION MEMBERS, SERVANTS, AGENTS OR EMPLOYES HAVE VIOLATED
4 ANY OF THE LAWS OF THIS COMMONWEALTH OR ANY OF THE REGULATIONS
5 OF THE BOARD;

6 (2) IF THE LICENSEE HAS ONE OR MORE ADJUDICATED CITATIONS;

7 (3) IF THE LICENSED PREMISES NO LONGER MEETS THE
8 REQUIREMENTS OF THIS ACT OR THE BOARD'S REGULATIONS; OR

9 (4) DUE TO THE MANNER IN WHICH THE LICENSED PREMISES IS
10 BEING OPERATED, THE BOARD CAN CONSIDER ACTIVITY OCCURRING ON OR
11 ABOUT THE LICENSED PREMISES OR IN AREAS UNDER LICENSEE'S
12 CONTROL, IF THERE IS A RELATIONSHIP BETWEEN THE ACTIVITY OUTSIDE
13 THE PREMISES AND THE MANNER IN WHICH THE LICENSED PREMISES IS
14 OPERATED. THE BOARD MAY TAKE INTO CONSIDERATION WHETHER THE
15 LICENSEE HAS TAKEN ANY SUBSTANTIAL STEPS TO ADDRESS THE ACTIVITY
16 OCCURRING ON OR ABOUT THE PREMISES.

17 (A.2) THE BOARD SHALL ONLY REFUSE TO RENEW A LICENSE
18 APPLICATION IF THE BUREAU OF LICENSING GIVES THE APPLICANT AT
19 LEAST TEN DAYS' NOTICE, STATING THE BASIS FOR THE OBJECTION;
20 OTHERWISE, THE BOARD MUST RENEW THE LICENSE AFTER RECEIVING A
21 PROPERLY FILED RENEWAL APPLICATION.

22 (B) IN CASES WHERE A LICENSEE OR HIS SERVANTS, AGENTS OR
23 EMPLOYES ARE ARRESTED, CHARGED WITH VIOLATING ANY OF THE LAWS OF
24 THIS COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED
25 BEVERAGES, AND WHERE THE BOARD HAS ON FILE IN SUCH CASES REPORTS
26 OF ENFORCEMENT OFFICERS OR INVESTIGATORS OF THE ENFORCEMENT
27 BUREAU OR FROM OTHER SOURCES THAT A LICENSEE OR HIS SERVANTS,
28 AGENTS OR EMPLOYES HAVE VIOLATED ANY OF THE AFOREMENTIONED LAWS
29 AND A PROCEEDING TO REVOKE SUCH LICENSEE'S LICENSE IS OR IS
30 ABOUT TO BE INSTITUTED, AND SUCH ARREST OCCURS OR REPORT OF

1 VIOLATIONS IS RECEIVED OR REVOCATION PROCEEDING INSTITUTED OR
2 ABOUT TO BE INSTITUTED DURING THE TIME A RENEWAL APPLICATION OF
3 SUCH LICENSE IS PENDING BEFORE THE BOARD, THE BOARD MAY, IN ITS
4 DISCRETION, RENEW THE LICENSE, NOTWITHSTANDING SUCH ALLEGED
5 VIOLATIONS, BUT SUCH RENEWAL LICENSE MAY BE REVOKED IF AND WHEN
6 THE LICENSEE OR ANY OF HIS SERVANTS, AGENTS OR EMPLOYES ARE
7 CONVICTED OF OR PLEAD GUILTY TO VIOLATIONS UNDER THE PREVIOUS
8 LICENSE, AS AFORESAID, OR IF AND WHEN SUCH PREVIOUS LICENSE IS
9 FOR ANY REASON REVOKED.

10 IN THE EVENT SUCH RENEWAL LICENSE IS REVOKED BY THE BOARD,
11 NEITHER THE LICENSE FEE PAID FOR SUCH LICENSE NOR ANY PART
12 THEREOF SHALL BE RETURNED TO THE LICENSEE[, BUT THE LICENSE BOND
13 FILED WITH THE APPLICATION FOR SUCH RENEWAL OF LICENSE SHALL NOT
14 BE FORFEITED].

15 SECTION 19. SECTION 471(B) OF THE ACT IS AMENDED TO READ:

16 SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.--

17 * * *

18 (B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME
19 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR
20 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION
21 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE
22 LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR
23 IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN
24 ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE
25 BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE
26 LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
27 493(1) INSOFAR AS IT RELATES TO SALES TO MINORS, SECTION 493(10)
28 INSOFAR AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
29 OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A
30 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR

1 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
2 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT
3 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED
4 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. §
5 5902 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301
6 (RELATING TO CORRUPTION OF MINORS), AT OR RELATING TO THE
7 LICENSED PREMISES, THE ADMINISTRATIVE LAW JUDGE SHALL
8 IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF
9 NOT LESS THAN ONE THOUSAND DOLLARS (\$1,000) NOR MORE THAN FIVE
10 THOUSAND DOLLARS (\$5,000), OR BOTH. THE ADMINISTRATIVE LAW JUDGE
11 SHALL NOTIFY THE LICENSEE BY REGISTERED MAIL, ADDRESSED TO THE
12 LICENSED PREMISES, OF SUCH SUSPENSION, REVOCATION OR FINE. [THE
13 INCREASED CIVIL PENALTY IMPOSED BY THIS SUBSECTION SHALL NOT BE
14 USED TO REQUIRE ANY LICENSEE TO INCREASE THE AMOUNT OF THE BOND
15 REQUIRED BY THIS ACT.] IN THE EVENT THE FINE IS NOT PAID WITHIN
16 TWENTY DAYS OF THE ADJUDICATION, THE ADMINISTRATIVE LAW JUDGE
17 SHALL SUSPEND OR REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY
18 REGISTERED MAIL ADDRESSED TO THE LICENSED PREMISES. SUSPENSIONS
19 AND REVOCATIONS SHALL NOT GO INTO EFFECT UNTIL THIRTY DAYS HAVE
20 ELAPSED FROM THE DATE OF THE ADJUDICATION DURING WHICH TIME THE
21 LICENSEE MAY TAKE AN APPEAL AS PROVIDED FOR IN THIS ACT. [WHEN A
22 LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE FORFEITED.] ANY
23 LICENSEE WHOSE LICENSE IS REVOKED SHALL BE INELIGIBLE TO HAVE A
24 LICENSE UNDER THIS ACT UNTIL THE EXPIRATION OF THREE YEARS FROM
25 THE DATE SUCH LICENSE WAS REVOKED. IN THE EVENT A LICENSE IS
26 REVOKED, NO LICENSE SHALL BE GRANTED FOR THE PREMISES OR
27 TRANSFERRED TO THE PREMISES IN WHICH THE SAID LICENSE WAS
28 CONDUCTED FOR A PERIOD OF AT LEAST ONE YEAR AFTER THE DATE OF
29 THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID PREMISES,
30 EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS IMMEDIATE

1 FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE THE BOARD
2 MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE
3 SAID YEAR. IN THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED
4 OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED
5 BY THE ADJUDICATION OF THE ADMINISTRATIVE LAW JUDGE, THERE SHALL
6 BE A RIGHT TO APPEAL TO THE BOARD. THE APPEAL SHALL BE BASED
7 SOLELY ON THE RECORD BEFORE THE ADMINISTRATIVE LAW JUDGE. THE
8 BOARD SHALL AFFIRM THE DECISION OF THE ADMINISTRATIVE LAW JUDGE
9 IF IT IS BASED ON SUBSTANTIAL EVIDENCE; OTHERWISE, THE BOARD
10 SHALL REVERSE THE DECISION OF THE ADMINISTRATIVE LAW JUDGE. IN
11 THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED OR WHOSE
12 LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED BY THE
13 DECISION OF THE BOARD, THERE SHALL BE A RIGHT TO APPEAL TO THE
14 COURT OF COMMON PLEAS IN THE SAME MANNER AS HEREIN PROVIDED FOR
15 APPEALS FROM REFUSALS TO GRANT LICENSES. EACH OF THE APPEALS
16 SHALL ACT AS A SUPERSEDEAS UNLESS, UPON SUFFICIENT CAUSE SHOWN,
17 THE REVIEWING AUTHORITY SHALL DETERMINE OTHERWISE; HOWEVER, IF
18 THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
19 493(1) INsofar AS IT RELATES TO SALES TO MINORS, SECTION 493(10)
20 INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
21 OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A
22 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR
23 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
24 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF "THE
25 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18
26 PA.C.S. § 5902 OR 6301, AT OR RELATING TO THE LICENSED PREMISES,
27 ITS APPEAL SHALL NOT ACT AS A SUPERSEDEAS UNLESS THE REVIEWING
28 AUTHORITY DETERMINES OTHERWISE UPON SUFFICIENT CAUSE SHOWN. IN
29 ANY HEARING ON AN APPLICATION FOR A SUPERSEDEAS UNDER THIS
30 SECTION, THE REVIEWING AUTHORITY MAY CONSIDER, IN ADDITION TO

1 OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE, INCLUDING RECORDS
2 OF THE BUREAU, SHOWING THE PRIOR HISTORY OF CITATIONS, FINES,
3 SUSPENSIONS OR REVOCATIONS AGAINST THE LICENSEE; AND THE
4 REVIEWING AUTHORITY MAY ALSO CONSIDER, IN ADDITION TO OTHER
5 RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL
6 ACTIVITY OCCURRING BETWEEN THE DATE OF THE CITATION WHICH IS THE
7 SUBJECT OF THE APPEAL AND THE DATE OF THE HEARING. NO PENALTY
8 PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY VIOLATIONS
9 PROVIDED FOR IN THIS ACT UNLESS THE BUREAU NOTIFIES THE LICENSEE
10 OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION OF THE
11 INVESTIGATION.

12 * * *

13 SECTION 20. SECTION 478 OF THE ACT, ADDED OCTOBER 5, 1994
14 (P.L.522, NO.77), IS AMENDED TO READ:

15 SECTION 478. RENEWAL OF AMUSEMENT PERMIT.--(A) UPON THE
16 ANNUAL REVIEW OF THE OPERATING HISTORY OF A LICENSEE PRIOR TO
17 THE VALIDATION PERIOD OR THE PERIODIC RENEWAL OF THE LICENSE,
18 THE DIRECTOR OF THE BUREAU OF LICENSING SHALL HAVE THE AUTHORITY
19 TO STATE OBJECTION TO THE RENEWAL OF THE AMUSEMENT PERMIT AS
20 REQUIRED BY SECTION 493(10). SUCH OBJECTION SHALL BE BASED UPON
21 THE OPERATING HISTORY, AND NOTICE SHALL BE PROVIDED TO THE
22 LICENSEE IN WRITING, BY CERTIFIED MAIL, AT THE ADDRESS LISTED ON
23 THE LICENSE. UPON THE COMPLETION OF ANY HEARING CONDUCTED
24 CONCERNING THE RENEWAL OF THE AMUSEMENT PERMIT PURSUANT TO
25 SECTION 464, THE BOARD MAY, IN ITS OPINION, REFUSE TO RENEW THE
26 AMUSEMENT PERMIT.

27 (A.1) EVERY LICENSEE, EXCEPT CLUBS, THAT WISHES TO HAVE
28 ADULT ENTERTAINMENT SHALL BE REQUIRED TO OBTAIN AN AMUSEMENT
29 PERMIT REQUIRED BY SECTION 493(10) AND AN ADULT ENTERTAINMENT
30 PERMIT REQUIRED BY THIS SUBSECTION. ADULT ENTERTAINMENT

1 INCLUDES, BUT IS NOT LIMITED TO: GO-GO DANCING, STRIPTEASE
2 DANCING, MUD WRESTLING AND JELLO WRESTLING AND IS SUBJECT TO THE
3 RESTRICTIONS IN SECTION 493(10). THE FEE FOR THE ADULT
4 ENTERTAINMENT PERMIT SHALL BE TWO THOUSAND DOLLARS (\$2,000) PER
5 YEAR AND SHALL BE RENEWED AND/OR VALIDATED IN THE SAME MANNER AS
6 AMUSEMENT PERMITS. PROTESTS MAY BE FILED AGAINST THE ISSUANCE OF
7 THE ADULT ENTERTAINMENT PERMITS BY ANY CHURCH, HOSPITAL,
8 CHARITABLE INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND WITHIN THREE
9 HUNDRED FEET, ANY OTHER PREMISES LICENSED BY THE BOARD WITHIN
10 TWO HUNDRED FEET, RESIDENTS WITHIN FIVE HUNDRED FEET AND/OR THE
11 MUNICIPALITY IN WHICH THE PREMISES IS LOCATED. THE PROCEDURES
12 FOR PROTESTS SHALL BE THE SAME AS THOSE FOR PROTESTS OF TRANSFER
13 APPLICATIONS. A HEARING WILL BE HELD UPON THE FILING OF A VALID
14 PROTEST. POSTING OF THE APPLICATION SHALL BE REQUIRED AND
15 CONDUCTED IN THE MANNER DESCRIBED IN THE BOARD'S REGULATIONS FOR
16 NOTICE POSTING. THE DIRECTOR OF THE BUREAU OF LICENSING SHALL
17 HAVE THE AUTHORITY TO OBJECT TO THE ISSUANCE OR RENEWAL OF SUCH
18 PERMIT BASED UPON LICENSEE'S OPERATING HISTORY, AND NOTICE SHALL
19 BE PROVIDED TO THE LICENSEE IN WRITING BY CERTIFIED MAIL AT THE
20 ADDRESS PROVIDED. UPON COMPLETION OF ANY HEARING CONDUCTED
21 CONCERNING THE INITIAL GRANTING OF AN ADULT ENTERTAINMENT PERMIT
22 PURSUANT TO SECTION 464, THE BOARD MAY, IN ITS DESCRETION, GRANT
23 OR REFUSE SUCH PERMIT IF THE APPLICANT'S PREMISES ARE LOCATED
24 WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
25 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND OR WITHIN TWO HUNDRED
26 FEET OF ANY OTHER PREMISES LICENSED BY THE BOARD. THE BOARD
27 SHALL REFUSE TO ISSUE OR RENEW SUCH PERMIT IF, IN THE BOARD'S
28 OPINION, IT WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE
29 AND MORALS OF THE RESIDENTS WITHIN A RADIUS OF FIVE HUNDRED FEET
30 OF THE PREMISES.

(B) [IN CASES WHERE THE BOARD REFUSES TO RENEW THE AMUSEMENT PERMIT OF ANY LICENSEE, THE LICENSEE OR THE APPLICANT OR MANAGER OR PERSON WITH A MAJORITY OR CONTROLLING INTEREST OF EITHER IN THE OPERATION OF THIS OR ANY OTHER LICENSE MAY NOT AGAIN BE ELIGIBLE TO RECEIVE A NEW PERMIT FROM THE BOARD UNTIL THE EXPIRATION OF A PERIOD OF UP TO TWO YEARS FROM THE FINAL ADJUDICATION ON SUCH MATTER BASED UPON BOARD OPINION.] IN CASES WHERE THE BOARD REFUSES TO RENEW THE AMUSEMENT OR ADULT ENTERTAINMENT PERMIT OF ANY LICENSEE, THE LICENSEE OR THE APPLICANT OR MANAGER OR PERSON WITH A MAJORITY OR CONTROLLING INTEREST OF EITHER IN THE OPERATION OF THIS OR ANY OTHER LICENSE MAY NOT AGAIN BE ELIGIBLE TO RECEIVE A NEW PERMIT FROM THE BOARD UNTIL THE EXPIRATION OF A PERIOD OF UP TO TWO YEARS FROM THE FINAL ADJUDICATION ON SUCH MATTER BASED UPON BOARD OPINION.

(C) ANY APPEAL TO COURT FILED BY A LICENSEE PURSUANT TO SECTION 464 CONCERNING THE RENEWAL OF A PERMIT SHALL ACT AS SUPERSEDEAS UNLESS UPON SUFFICIENT CAUSE SHOWN THE REVIEWING AUTHORITY DETERMINES OTHERWISE. UPON THE FILING OF A MOTION BY THE BOARD TO VACATE SUPERSEDEAS, THE REVIEWING AUTHORITY SHALL RULE ON THE MOTION FORTHWITH.

SECTION 21. SECTIONS 492(8) AND 493(10) OF THE ACT, AMENDED APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED BEVERAGES AND LICENSEES.--

IT SHALL BE UNLAWFUL--

* * *

(8) TRANSPORTATION OF MALT OR BREWED BEVERAGES. FOR ANY PERSON, TO TRANSPORT MALT OR BREWED BEVERAGES EXCEPT IN THE ORIGINAL CONTAINERS, OR TO TRANSPORT MALT OR BREWED BEVERAGES FOR ANOTHER WHO IS ENGAGED IN SELLING EITHER LIQUOR OR MALT OR

1 BREWED BEVERAGES, UNLESS SUCH PERSON SHALL HOLD (A) A LICENSE TO
2 TRANSPORT FOR HIRE, ALCOHOL, LIQUOR AND MALT OR BREWED
3 BEVERAGES, AS HEREINAFTER PROVIDED IN THIS ACT, OR (B) SHALL
4 HOLD A PERMIT ISSUED BY THE BOARD AND SHALL HAVE PAID TO THE
5 BOARD SUCH PERMIT FEE, AS PRESCRIBED IN SECTION 614-A OF THE ACT
6 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
7 CODE OF 1929," [AND SHALL HAVE FILED WITH THE BOARD A BOND IN
8 THE PENAL SUM OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2000) FOR
9 EACH YEAR OF A LICENSING PERIOD, AS MAY BE FIXED BY THE RULES
10 AND REGULATIONS OF THE BOARD,] ANY OTHER LAW TO THE CONTRARY
11 NOTWITHSTANDING.

12 * * *

13 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
14 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
15 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
16 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
17 OTHERWISE.

18 IT SHALL BE UNLAWFUL--

19 * * *

20 (10) ENTERTAINMENT ON LICENSED PREMISES (EXCEPT CLUBS);
21 PERMITS; FEES. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR
22 EMPLOYES, EXCEPT CLUB LICENSEES, TO PERMIT IN ANY LICENSED
23 PREMISES OR IN ANY PLACE OPERATED IN CONNECTION THEREWITH,
24 DANCING, THEATRICALS OR FLOOR SHOWS OF ANY SORT, OR MOVING
25 PICTURES OTHER THAN TELEVISION, OR SUCH AS ARE EXHIBITED THROUGH
26 MACHINES OPERATED BY PATRONS BY THE DEPOSIT OF COINS, WHICH
27 PROJECT PICTURES ON A SCREEN NOT EXCEEDING IN SIZE TWENTY-FOUR
28 BY THIRTY INCHES AND WHICH FORMS PART OF THE MACHINE, UNLESS THE
29 LICENSEE SHALL FIRST HAVE OBTAINED FROM THE BOARD A SPECIAL
30 PERMIT TO PROVIDE SUCH ENTERTAINMENT, OR FOR ANY LICENSEE, UNDER

1 ANY CIRCUMSTANCES, TO PERMIT IN ANY LICENSED PREMISES ANY LEWD,
2 IMMORAL OR IMPROPER ENTERTAINMENT, REGARDLESS OF WHETHER A
3 PERMIT TO PROVIDE ENTERTAINMENT HAS BEEN OBTAINED OR NOT. THE
4 BOARD SHALL HAVE POWER TO PROVIDE FOR THE ISSUE OF SUCH SPECIAL
5 PERMITS, AND TO COLLECT AN ANNUAL FEE FOR SUCH PERMITS AS
6 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
7 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
8 ALL SUCH FEES SHALL BE PAID INTO THE STATE STORES FUND. NO SUCH
9 PERMIT SHALL BE ISSUED IN ANY MUNICIPALITY WHICH, BY ORDINANCE,
10 PROHIBITS AMUSEMENTS IN LICENSED PLACES. ANY VIOLATION OF THIS
11 CLAUSE SHALL, IN ADDITION TO THE PENALTY HEREIN PROVIDED,
12 SUBJECT THE LICENSEE TO SUSPENSION OR REVOCATION OF HIS PERMIT
13 AND HIS LICENSE. FOR THE PURPOSE OF THIS CLAUSE "LEWD,"
14 "IMMORAL" OR "IMPROPER ENTERTAINMENT" SHALL MEAN:
15 (I) EMPLOYMENT OR USE OF ANY PERSON WHILE SUCH PERSON IS
16 UNCLOTHED OR IN SUCH ATTIRE, COSTUME OR CLOTHING AS TO EXPOSE TO
17 VIEW ANY PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE
18 AREOLA OR OF ANY PORTION OF THE PUBIC HAIR, ANUS, CLEFT OF THE
19 BUTTOCKS, VULVA OR GENITALS.
20 (II) EMPLOYMENT OR USE OF ANY PERSON WHO TOUCHES, CARESSES
21 OR FONDLES THE BREAST, BUTTOCKS, ANUS OR GENITALS OF ANY OTHER
22 PERSON, OR WHO IS SO TOUCHED, CARESSED OR FONDLED BY ANOTHER
23 PERSON.
24 (III) EMPLOYMENT OR USE OF ANY PERSON TO WEAR OR USE ANY
25 DEVICE OR COVERING, EXPOSED TO VIEW WHICH SIMULATES THE BREAST,
26 GENITALS, ANUS, PUBIC HAIR OR ANY PORTION THEREOF.
27 (IV) EMPLOYMENT OR USE OF ANY PERSON TO PERFORM ACTS OF OR
28 ACTS WHICH SIMULATE SEXUAL INTERCOURSE, MASTURBATION, SODOMY,
29 BESTIALITY, ORAL COPULATION, FLAGELLATION OR ANY SEXUAL ACTS
30 WHICH ARE PROHIBITED BY LAW.

1 (V) THE SHOWING OF FILMS, STILL PICTURES, ELECTRONIC
2 REPRODUCTIONS, OR OTHER VISUAL REPRODUCTIONS DEPICTING:
3 (A) ACTS OR SIMULATED ACTS OF SEXUAL INTERCOURSE,
4 MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION
5 OR ANY SEXUAL ACTS WHICH ARE PROHIBITED BY LAW.
6 (B) ANY PERSON BEING TOUCHED, CARESSED OR FONDLED ON THE
7 BREASTS, BUTTOCKS, ANUS OR THE GENITALS.
8 (C) SCENES WHEREIN A PERSON DISPLAYS THE VULVA OR THE ANUS
9 OR THE GENITALS.
10 (D) SCENES WHEREIN ARTIFICIAL DEVICES OR INANIMATE OBJECTS
11 ARE EMPLOYED TO PORTRAY ANY OF THE PROHIBITED ACTIVITIES
12 DESCRIBED IN THIS CLAUSE.

13 SECTION 22. SECTIONS 504, 505 AND 514 OF THE ACT ARE AMENDED
14 TO READ:

15 SECTION 504. APPLICATIONS; FILING FEES.--(A) EVERY
16 APPLICANT FOR A LICENSE UNDER THIS ARTICLE SHALL FILE WITH THE
17 BOARD A WRITTEN APPLICATION IN SUCH FORM AS THE BOARD SHALL FROM
18 TIME TO TIME REQUIRE. EVERY SUCH APPLICATION SHALL BE
19 ACCOMPANIED BY A FILING FEE OF TWENTY DOLLARS (\$20), THE
20 PRESCRIBED LICENSE FEE [AND THE BOND HEREINAFTER SPECIFIED,] AND
21 SHALL SET FORTH:

22 (1) THE LEGAL NAMES OF THE APPLICANT AND OF THE OWNER OF THE
23 PLACE WHERE BUSINESS UNDER THE LICENSE WILL BE CARRIED ON, WITH
24 THEIR RESIDENCE ADDRESSES BY STREET AND NUMBER, IF A
25 PARTNERSHIP, OF EACH SEPARATE PARTNER, AND IF A CORPORATION, OF
26 EACH INDIVIDUAL OFFICER THEREOF.

27 (2) THE EXACT LOCATION OF SAID PLACE OF BUSINESS AND OF
28 EVERY PLACE TO BE OCCUPIED OR USED IN CONNECTION WITH SUCH
29 BUSINESS, THE PRODUCTIVE CAPACITY OF EACH PLANT WHERE ANY
30 ALCOHOL OR LIQUOR IS TO BE MANUFACTURED, PRODUCED, DISTILLED,

1 RECTIFIED, BLENDED, DEVELOPED OR USED IN THE PROCESS OF
2 MANUFACTURE, DENATURED, REDISTILLED, RECOVERED, REUSED, THE
3 CAPACITY OF EVERY WAREHOUSE OR OTHER PLACE WHERE SUCH ALCOHOL OR
4 LIQUOR OR MALT OR BREWED BEVERAGE IS TO BE HELD IN BOND OR
5 STORED FOR HIRE OR THE EQUIPMENT TO BE USED WHERE A
6 TRANSPORTATION BUSINESS IS TO BE CARRIED ON UNDER THE LICENSE.

7 (3) THAT EACH AND EVERY ONE OF THE APPLICANTS IS A CITIZEN
8 OF THE UNITED STATES OF AMERICA.

9 (4) SUCH OTHER RELEVANT INFORMATION AS THE BOARD SHALL FROM
10 TIME TO TIME REQUIRE BY RULE OR REGULATION.

11 (B) EACH APPLICATION MUST BE VERIFIED BY AFFIDAVIT OF THE
12 APPLICANT MADE BEFORE ANY OFFICER LEGALLY QUALIFIED TO
13 ADMINISTER OATHS, AND IF ANY FALSE STATEMENT IS WILFULLY MADE IN
14 ANY PART OF SAID APPLICATION, THE APPLICANT OR APPLICANTS SHALL
15 BE DEEMED GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE
16 SUBJECT TO THE PENALTIES PROVIDED BY THIS ARTICLE.

17 SECTION 505. LICENSES ISSUED.--UPON RECEIPT OF THE
18 APPLICATION IN THE FORM HEREIN PROVIDED[,] AND THE PROPER FEES
19 [AND AN APPROVED BOND AS HEREIN DESIGNATED], THE BOARD MAY GRANT
20 TO SUCH APPLICANT A LICENSE TO ENGAGE IN, (A) THE OPERATION OF A
21 LIMITED WINERY OR A WINERY; OR, (B) THE MANUFACTURING,
22 PRODUCING, DISTILLING, DEVELOPING, OR USING IN THE PROCESS OF
23 MANUFACTURING, DENATURING, REDISTILLING, RECOVERING, RECTIFYING,
24 BLENDING AND REUSING OF ALCOHOL AND LIQUOR; OR, (C) THE HOLDING
25 IN BOND OF ALCOHOL AND LIQUOR; OR, (D) THE HOLDING IN STORAGE,
26 AS BAILEE FOR HIRE, OF ALCOHOL, LIQUOR AND MALT OR BREWED
27 BEVERAGES; OR, (E) THE TRANSPORTING FOR HIRE OF ALCOHOL, LIQUOR
28 AND MALT OR BREWED BEVERAGES.

29 SECTION 514. SUSPENSION AND REVOCATION OF LICENSES.--(A)
30 UPON LEARNING OF ANY VIOLATION OF THIS ACT OR OF ANY RULE OR

1 REGULATION PROMULGATED BY THE BOARD UNDER THE AUTHORITY OF THIS
2 ACT, OR ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH OR OF THE
3 UNITED STATES OF AMERICA RELATING TO THE TAX PAYMENT OF ALCOHOL,
4 LIQUOR OR MALT OR BREWED BEVERAGES BY THE HOLDER OF A LICENSE
5 ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, OR UPON OTHER
6 SUFFICIENT CAUSE, THE ENFORCEMENT BUREAU MAY, WITHIN ONE YEAR
7 FROM THE DATE OF SUCH VIOLATION OR CAUSE APPEARING, CITE SUCH
8 LICENSEE TO APPEAR BEFORE AN ADMINISTRATIVE LAW JUDGE NOT LESS
9 THAN TEN (10) NOR MORE THAN SIXTY (60) DAYS FROM THE DATE OF
10 SENDING SUCH LICENSEE, BY REGISTERED MAIL, A NOTICE ADDRESSED TO
11 HIS LICENSED PREMISES, TO SHOW CAUSE WHY THE LICENSE SHOULD NOT
12 BE SUSPENDED OR REVOKED. HEARINGS ON SUCH CITATIONS SHALL BE
13 HELD IN THE SAME MANNER AS PROVIDED HEREIN FOR HEARINGS ON
14 APPLICATIONS FOR LICENSE. AND UPON SUCH HEARING, IF SATISFIED
15 THAT ANY SUCH VIOLATION HAS OCCURRED OR FOR OTHER SUFFICIENT
16 CAUSE, THE ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR
17 REVOKE SUCH LICENSE, NOTIFYING THE LICENSEE THEREOF BY
18 REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES, OR TO THE
19 ADDRESS GIVEN IN HIS APPLICATION WHERE NO LICENSED PREMISES IS
20 MAINTAINED IN PENNSYLVANIA.

21 (B) [WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE
22 FORFEITED.] ANY LICENSEE WHOSE LICENSE IS REVOKED SHALL BE
23 INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT OR UNDER ANY OTHER
24 ACT RELATING TO ALCOHOL, LIQUOR OR MALT OR BREWED BEVERAGES
25 UNTIL THE EXPIRATION OF THREE (3) YEARS FROM THE DATE SUCH
26 LICENSE WAS REVOKED. IN THE EVENT OF A REVOCATION, NO LICENSE
27 SHALL BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE PREMISES
28 IN WHICH SAID LICENSE WAS CONDUCTED FOR A PERIOD OF AT LEAST ONE
29 (1) YEAR AFTER THE DATE OF THE REVOCATION OF THE LICENSE
30 CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE THE

1 LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE OWNER OF
2 THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS DISCRETION,
3 ISSUE OR TRANSFER A LICENSE WITHIN SAID YEAR. SUCH HEARING
4 BEFORE AND ADJUDICATION BY AN ADMINISTRATIVE LAW JUDGE SHALL BE
5 IN ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO
6 PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

7 SECTION 23. SECTION 517 OF THE ACT, AMENDED APRIL 29, 1994
8 (P.L.212, NO.30), IS AMENDED TO READ:

9 SECTION 517. EXPIRATION OF LICENSES; RENEWALS.--ALL LICENSES
10 ISSUED UNDER THIS ARTICLE SHALL EXPIRE AT THE CLOSE OF THE
11 LICENSE PERIOD, BUT NEW LICENSES FOR THE SUCCEEDING LICENSE
12 PERIOD SHALL BE ISSUED UPON WRITTEN APPLICATION THEREFOR, DULY
13 VERIFIED BY AFFIDAVIT, STATING THAT THE FACTS IN THE ORIGINAL
14 APPLICATION ARE UNCHANGED, AND UPON PAYMENT OF THE FEE AS
15 HEREINAFTER PROVIDED [AND THE FURNISHING OF A NEW BOND], WITHOUT
16 THE FILING OF FURTHER STATEMENTS OR THE FURNISHING OF ANY
17 FURTHER INFORMATION UNLESS SPECIFICALLY REQUESTED BY THE BOARD:
18 PROVIDED, HOWEVER, THAT ANY SUCH LICENSE ISSUED TO A CORPORATION
19 SHALL EXPIRE THIRTY (30) DAYS AFTER ANY CHANGE IN THE OFFICERS
20 OF SUCH CORPORATION, UNLESS THE NAME AND ADDRESS OF EACH SUCH
21 NEW OFFICER OF SUCH CORPORATION SHALL, WITHIN THAT PERIOD, BE
22 REPORTED TO THE BOARD BY CERTIFICATE, DULY VERIFIED.
23 APPLICATIONS FOR RENEWALS MUST BE MADE NOT LESS THAN THIRTY (30)
24 NOR MORE THAN SIXTY (60) DAYS BEFORE THE EXPIRATION OF THE
25 LICENSE PERIOD. ALL APPLICATIONS FOR RENEWAL RECEIVED OTHERWISE
26 SHALL BE TREATED AS ORIGINAL APPLICATIONS.

27 SECTION 24. SECTION 802(G) OF THE ACT, AMENDED JULY 11, 1996
28 (P.L.654, NO.111), IS AMENDED TO READ:

29 SECTION 802. MONEYS PAID INTO THE STATE STORES FUND FOR USE
30 OF THE COMMONWEALTH.--* * *

1 (G) THE SUM OF [FIVE MILLION DOLLARS (\$5,000,000)] SEVENTEEN
2 MILLION DOLLARS (\$17,000,000) SHALL BE TRANSFERRED FROM THE
3 STATE STORES FUND IN ACCORDANCE WITH SUBSECTION (F) TO THE
4 CHILDREN'S HEALTH FUND FOR HEALTH CARE FOR INDIGENT CHILDREN
5 ESTABLISHED BY SECTION 1296 OF THE ACT OF MARCH 4, 1971 (P.L.6,
6 NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971," TO CARRY OUT THE
7 PROVISIONS OF THE ACT OF DECEMBER 2, 1992 (P.L.741, NO.113),
8 KNOWN AS THE "CHILDREN'S HEALTH CARE ACT," FOR THE FISCAL YEAR
9 [JULY 1, 1996, TO JUNE 30, 1997] JULY 1, 1997, TO JUNE 30, 1998.
10 FUNDS TRANSFERRED UNDER THIS SUBSECTION SHALL NOT BE SUBJECT TO
11 THE LIMITATION SET FORTH IN SECTION 3101 OF THE "CHILDREN'S
12 HEALTH CARE ACT."

13 SECTION 25. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.