

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 985 Session of
1997

INTRODUCED BY NICKOL, MAITLAND, WAUGH, ROONEY, DeLUCA,
L. I. COHEN, CLARK, LUCYK, BUNT, STABACK, MELIO, TIGUE,
MASLAND, McCALL, HENNESSEY, YOUNGBLOOD, LAUGHLIN, BOSCOLA,
PESCI, E. Z. TAYLOR, BELFANTI, OLASZ, TRELLO, HALUSKA,
SAINATO, McGEEHAN, PLATTS, SEYFERT, PETRARCA, CORNELL,
STEELMAN, SAYLOR AND BENNINGHOFF, MARCH 19, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 27, 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 ELIMINATING THE REQUIREMENT THAT CERTAIN LICENSEES OBTAIN <—
18 BONDS; further providing for SALES BY LICENSEES, FOR <—
19 RESTRICTIONS ON SALES BY LIQUOR LICENSEES, FOR the time
20 period of special occasion permits, FOR RENEWAL OF LICENSES, <—
21 FOR UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND BREWED
22 BEVERAGES AND LICENSEES, FOR CERTAIN PERFORMING ARTS
23 FACILITIES and for local option; AND AUTHORIZING RETAIL <—
24 DISPENSER EATING PLACE AND CLUB LICENSEES TO ACCEPT CREDIT
25 CARDS FOR PURCHASES.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

1 ~~Section 1. Section 408.4(a) of the act of April 12, 1951~~ <—
2 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
3 ~~June 29, 1987 (P.L.32, No.14) and amended December 20, 1996~~
4 ~~(P.L.1523, No.199), is amended to read:~~

5 SECTION 1. SECTION 403(A) OF THE ACT OF APRIL 12, 1951 <—
6 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED
7 JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED APRIL 29, 1994
8 (P.L.212, NO.30), IS AMENDED TO READ:

9 SECTION 403. APPLICATIONS FOR HOTEL, RESTAURANT AND CLUB
10 LIQUOR LICENSES.--(A) EVERY APPLICANT FOR A HOTEL LIQUOR
11 LICENSE, RESTAURANT LIQUOR LICENSE OR CLUB LIQUOR LICENSE OR FOR
12 THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN
13 LICENSED SHALL FILE A WRITTEN APPLICATION WITH THE BOARD IN SUCH
14 FORM AND CONTAINING SUCH INFORMATION AS THE BOARD SHALL FROM
15 TIME TO TIME PRESCRIBE, WHICH SHALL BE ACCOMPANIED BY A FILING
16 FEE AND AN ANNUAL LICENSE FEE AS PRESCRIBED IN SECTION 614-A OF
17 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
18 ADMINISTRATIVE CODE OF 1929[," AND THE BOND HEREINAFTER
19 SPECIFIED.]." EVERY SUCH APPLICATION SHALL CONTAIN A DESCRIPTION
20 OF THAT PART OF THE HOTEL, RESTAURANT OR CLUB FOR WHICH THE
21 APPLICANT DESIRES A LICENSE AND SHALL SET FORTH SUCH OTHER
22 MATERIAL INFORMATION, DESCRIPTION OR PLAN OF THAT PART OF THE
23 HOTEL, RESTAURANT OR CLUB WHERE IT IS PROPOSED TO KEEP AND SELL
24 LIQUOR AS MAY BE REQUIRED BY THE REGULATIONS OF THE BOARD. THE
25 DESCRIPTIONS, INFORMATION AND PLANS REFERRED TO IN THIS
26 SUBSECTION SHALL SHOW THE HOTEL, RESTAURANT, CLUB, OR THE
27 PROPOSED LOCATION FOR THE CONSTRUCTION OF A HOTEL, RESTAURANT OR
28 CLUB, AT THE TIME THE APPLICATION IS MADE, AND SHALL SHOW ANY
29 ALTERATIONS PROPOSED TO BE MADE THERETO, OR THE NEW BUILDING
30 PROPOSED TO BE CONSTRUCTED AFTER THE APPROVAL BY THE BOARD OF

1 THE APPLICATION FOR A LICENSE OR FOR THE TRANSFER OF AN EXISTING
2 LICENSE TO ANOTHER PREMISES NOT THEN LICENSED. NO PHYSICAL
3 ALTERATIONS, IMPROVEMENTS OR CHANGES SHALL BE REQUIRED TO BE
4 MADE TO ANY HOTEL, RESTAURANT OR CLUB, NOR SHALL ANY NEW
5 BUILDING FOR ANY SUCH PURPOSE, BE REQUIRED TO BE CONSTRUCTED
6 UNTIL APPROVAL OF THE APPLICATION FOR LICENSE OR FOR THE
7 TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN
8 LICENSED BY THE BOARD. AFTER APPROVAL OF THE APPLICATION, THE
9 LICENSEE SHALL MAKE THE PHYSICAL ALTERATIONS, IMPROVEMENTS AND
10 CHANGES TO THE LICENSED PREMISES, OR SHALL CONSTRUCT THE NEW
11 BUILDING IN THE MANNER SPECIFIED BY THE BOARD AT THE TIME OF
12 APPROVAL, AND THE LICENSEE SHALL NOT TRANSACT ANY BUSINESS UNDER
13 THE LICENSE UNTIL THE BOARD HAS APPROVED THE COMPLETED PHYSICAL
14 ALTERATIONS, IMPROVEMENTS AND CHANGES TO THE LICENSED PREMISES,
15 OR THE COMPLETED CONSTRUCTION OF THE NEW BUILDING AS CONFORMING
16 TO THE SPECIFICATIONS REQUIRED BY THE BOARD AT THE TIME OF
17 ISSUANCE OR TRANSFER OF THE LICENSE, AND IS SATISFIED THAT THE
18 ESTABLISHMENT IS A RESTAURANT, HOTEL OR CLUB AS DEFINED BY THIS
19 ACT. THE BOARD MAY REQUIRE THAT ALL SUCH ALTERATIONS OR
20 CONSTRUCTION OR CONFORMITY TO DEFINITION BE COMPLETED WITHIN SIX
21 MONTHS FROM THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE.
22 FAILURE TO COMPLY WITH THESE REQUIREMENTS SHALL BE CONSIDERED
23 CAUSE FOR REVOCATION OF THE LICENSE. NO SUCH LICENSE SHALL BE
24 TRANSFERABLE BETWEEN THE TIME OF ISSUANCE OR TRANSFER OF THE
25 LICENSE AND THE APPROVAL OF THE COMPLETED ALTERATIONS OR
26 CONSTRUCTION BY THE BOARD AND FULL COMPLIANCE BY THE LICENSEE
27 WITH THE REQUIREMENTS OF THIS ACT, EXCEPT IN THE CASE OF DEATH
28 OF THE LICENSEE PRIOR TO FULL COMPLIANCE WITH ALL OF THE
29 AFOREMENTIONED REQUIREMENTS, IN WHICH EVENT, THE LICENSE MAY BE
30 TRANSFERRED BY THE BOARD AS PROVIDED IN THIS ACT.

1 * * *

2 SECTION 2. SECTION 404 OF THE ACT, AMENDED APRIL 29, 1994
3 (P.L.212, NO.30) AND OCTOBER 5, 1994 (P.L.522, NO.77), IS
4 AMENDED TO READ:

5 SECTION 404. ISSUANCE OF HOTEL, RESTAURANT AND CLUB LIQUOR
6 LICENSES.--UPON RECEIPT OF THE APPLICATION[,] AND THE PROPER
7 FEES [AND BOND,] AND UPON BEING SATISFIED OF THE TRUTH OF THE
8 STATEMENTS IN THE APPLICATION THAT THE APPLICANT IS THE ONLY
9 PERSON IN ANY MANNER PECUNIARILY INTERESTED IN THE BUSINESS SO
10 ASKED TO BE LICENSED AND THAT NO OTHER PERSON WILL BE IN ANY
11 MANNER PECUNIARILY INTERESTED THEREIN DURING THE CONTINUANCE OF
12 THE LICENSE, EXCEPT AS HEREINAFTER PERMITTED, AND THAT THE
13 APPLICANT IS A PERSON OF GOOD REPUTE, THAT THE PREMISES APPLIED
14 FOR MEET ALL THE REQUIREMENTS OF THIS ACT AND THE REGULATIONS OF
15 THE BOARD, THAT THE APPLICANT SEEKS A LICENSE FOR A HOTEL,
16 RESTAURANT OR CLUB, AS DEFINED IN THIS ACT, AND THAT THE
17 ISSUANCE OF SUCH LICENSE IS NOT PROHIBITED BY ANY OF THE
18 PROVISIONS OF THIS ACT, THE BOARD SHALL, IN THE CASE OF A HOTEL
19 OR RESTAURANT, GRANT AND ISSUE TO THE APPLICANT A LIQUOR
20 LICENSE, AND IN THE CASE OF A CLUB MAY, IN ITS DISCRETION, ISSUE
21 OR REFUSE A LICENSE: PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
22 NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION THE
23 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
24 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
25 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
26 INSTITUTION, SCHOOL, OR PUBLIC PLAYGROUND, OR IF SUCH NEW
27 LICENSE OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO
28 HUNDRED FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE
29 BOARD: AND PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY
30 APPLICATION FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO

1 A NEW LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
2 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
3 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
4 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED: AND
5 PROVIDED FURTHER, THAT PRIOR TO JULY 1, 1996, IN ANY LICENSE
6 DISTRICT IN A CITY OF THE FIRST CLASS, THE BOARD MAY, IN ITS
7 OPINION, REFUSE ANY APPLICATION FOR A NEW LICENSE OR FOR ANY
8 PERSON-TO-PERSON TRANSFER WHICH SHALL INCLUDE A CHANGE IN
9 STOCKHOLDERS INVOLVING TEN PER CENTUM OR MORE OF ALL OUTSTANDING
10 VOTING STOCK AND/OR LESS THAN TEN PER CENTUM OF ALL OUTSTANDING
11 VOTING STOCK WHEN SUCH CHANGE INVOLVES A MAJORITY OR CONTROLLING
12 INTEREST, OF ANY LICENSE IF THE LICENSED PREMISES IS OR WOULD BE
13 WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
14 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND OR WITHIN TWO HUNDRED
15 FEET OF ANY OTHER PREMISES LICENSED BY THE BOARD AND IF, IN THE
16 OPINION OF THE BOARD, THE LICENSED PREMISES IS OR WOULD BE
17 DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND MORALS OF SUCH
18 CHURCH, HOSPITAL, SCHOOL, PUBLIC PLAYGROUND AND/OR THE
19 INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED
20 FEET OF THE LICENSED PREMISES. THIS AUTHORITY TO REFUSE A
21 PERSON-TO-PERSON TRANSFER IN A CITY OF THE FIRST CLASS IS IN
22 ADDITION TO AND NOT IN DEROGATION OF THE AUTHORITY OF THE BOARD
23 GENERALLY STATED FOR ALL AREAS OF THIS COMMONWEALTH: AND
24 PROVIDED FURTHER, THAT THE BOARD SHALL HAVE THE DISCRETION TO
25 REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,
26 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR
27 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH
28 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND
29 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY
30 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE. 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. UPON ANY OPENING IN ANY QUOTA, AN
4 APPLICATION FOR A NEW LICENSE SHALL ONLY BE FILED WITH THE BOARD
5 FOR A PERIOD OF SIX MONTHS FOLLOWING SAID OPENING.

6 SECTION 3. SECTION 405(E) OF THE ACT, AMENDED APRIL 29, 1994
7 (P.L.212, NO.30), IS AMENDED TO READ:

8 SECTION 405. LICENSE FEES.--* * *

9 (E) EVERY APPLICATION FOR A RESTAURANT LIQUOR LICENSE FOR A
10 NONPRIMARY PARI-MUTUEL WAGERING LOCATION OR A RACETRACK SHALL BE
11 ACCOMPANIED BY AN APPLICANT'S FEE OF FIVE THOUSAND DOLLARS
12 (\$5,000) [AND A BOND IN THE PENAL SUM OF TWO THOUSAND DOLLARS
13 (\$2,000)] FOR THE FIRST YEAR OF A LICENSING PERIOD. THEREAFTER,
14 THE NONPRIMARY PARI-MUTUEL WAGERING LOCATION OR THE RACETRACK
15 SHALL BE SUBJECT TO THE ABOVE STATED FEES FOR RESTAURANT
16 LICENSES [AND THE FILING OF A BOND IN THE AMOUNT OF TWO THOUSAND
17 DOLLARS (\$2,000)] FOR EACH YEAR OF A LICENSING PERIOD.

18 SECTION 4. SECTION 406(A) OF THE ACT IS AMENDED BY ADDING
19 CLAUSES TO READ:

20 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)
21 * * *

22 (7) NOTWITHSTANDING ANY PROVISION OF THIS ACT, ON THE SUNDAY
23 ON WHICH THE SPORTING EVENT COMMONLY REFERRED TO AS THE "SUPER
24 BOWL" IS CONDUCTED, LICENSEES WHO DO NOT POSSESS THE SPECIAL
25 ANNUAL PERMIT PROVIDED FOR IN CLAUSE (3), THEIR SERVANTS, AGENTS
26 OR EMPLOYEES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUCH
27 SUNDAY AFTER ONE O'CLOCK POSTMERIDIAN AND UNTIL TWO O'CLOCK
28 ANTEMERIDIAN OF THE FOLLOWING DAY.

29 (8) NOTWITHSTANDING OTHER PROVISIONS TO THE CONTRARY, A
30 CATERING CLUB LICENSEE THAT IS A VOLUNTEER FIRE COMPANY MAY SELL

LIQUOR OR MALT OR BREWED BEVERAGES TO NONMEMBERS WHO PURCHASE
TICKETS IN ADVANCE OR AT THE DOOR FOR A CATERED FUNCTION.

* * *

SECTION 5. SECTION 408(C) AND (D) OF THE ACT, AMENDED APRIL
29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

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

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

(D) UNLESS PREVIOUSLY REVOKED, EVERY LICENSE ISSUED BY THE
BOARD UNDER THIS SECTION SHALL EXPIRE IF THE ANNUAL FEE IS NOT
TIMELY PAID OR ON THE LAST DAY OF THE LICENSE PERIOD FOR WHICH
THE LICENSE IS ISSUED. LICENSES ISSUED UNDER THE PROVISIONS OF
THIS SECTION SHALL BE RENEWED AS HEREIN PROVIDED, UPON THE
FILING OF APPLICATIONS IN SUCH FORM AS THE BOARD SHALL
PRESCRIBE, BUT NO LICENSE SHALL BE RENEWED UNTIL THE APPLICANT
SHALL [FILE WITH THE BOARD A NEW SURETY BOND AND SHALL] PAY THE
REQUISITE LICENSE FEE.

* * *

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

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

[(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
APPLICANT FOR A TRADE SHOW AND CONVENTION LICENSE PURSUANT TO
SECTION 465 OF THIS ARTICLE SHALL BE TWO THOUSAND DOLLARS
(\$2,000) AND IN ADDITION THERETO HE SHALL FILE AN ADDITIONAL

1 BOND IN A SUM TO ASSURE PAYMENT OF ANY SUSPENSION OF LICENSE UP
2 TO ONE HUNDRED DAYS.]

3 * * *

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

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

11 * * *

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

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 OF THE "LIQUOR CODE" SHALL BE TWO THOUSAND DOLLARS (\$2,000).]

16 * * *

17 SECTION 7. SECTION 408.4(A) OF THE ACT, AMENDED DECEMBER 20,
18 1996 (P.L.1523, NO.199), IS AMENDED TO READ:

19 Section 408.4. Special Occasion Permits.--(a) Upon
20 application of any hospital, church, synagogue, volunteer fire
21 company, volunteer ambulance company, volunteer rescue squad,
22 nonprofit agricultural association in existence for at least ten
23 years, bona fide sportsmen's club in existence for at least ten
24 years, nationally chartered veterans' organization and any
25 affiliated lodge or subdivision of such organization, fraternal
26 benefit society that is licensed to do business in this
27 Commonwealth and any affiliated lodge or subdivision of such
28 fraternal benefit society, or [the] one auxiliary of any of the
29 foregoing, and upon payment of the prescribed fee for special
30 occasion permits under section 614-A of the act of April 9, 1929

1 (P.L.177, No.175), known as "The Administrative Code of 1929,"
2 the board shall issue a special occasion permit good for a
3 period of not more than [five] six consecutive or nonconsecutive
4 days[: Provided, however, That the five nonconsecutive days
5 shall be used in a three-month period measured from the date of
6 the first day.] during a calendar year. Special occasion permits
7 may also be issued to a museum operated by a nonprofit
8 corporation in a city of the third class or township of the
9 first class or a nonprofit corporation engaged in the performing
10 arts in a city of the third class or in an incorporated town for
11 a period of not more than six nonconsecutive or ten consecutive
12 days at the prescribed fee for special occasion permits under
13 section 614-A of "The Administrative Code of 1929."

14 * * *

15 SECTION 8. SECTION 408.6(A) AND (F) OF THE ACT, AMENDED <—
16 APRIL 29, 1994 (P.L.212, NO.30) AND MAY 31, 1996 (P.L.312,
17 NO.49), ARE AMENDED TO READ:

18 SECTION 408.6. PERFORMING ARTS FACILITIES IN SECOND CLASS A
19 CITIES, THIRD CLASS CITIES AND TOWNSHIPS OF THE SECOND CLASS
20 LOCATED IN FOURTH CLASS COUNTIES.--(A) THE BOARD IS AUTHORIZED
21 TO ISSUE A RESTAURANT LIQUOR LICENSE TO A NONPROFIT CORPORATION
22 OR TO A CONCESSIONAIRE SELECTED BY SUCH NONPROFIT CORPORATION IN
23 ANY CITY OF THE SECOND CLASS A [OR], ANY CITY OF THE THIRD CLASS
24 OR ANY BOROUGH FOR THE RETAIL SALE OF LIQUOR AND MALT OR BREWED
25 BEVERAGES BY THE GLASS, OPEN BOTTLES OR OTHER CONTAINER OR IN
26 ANY MIXTURE FOR CONSUMPTION ON ANY CITY-OWNED PREMISES UTILIZED
27 AS A NONPROFIT PERFORMING ARTS FACILITY OR ANY OTHER PREMISES
28 UTILIZED AS A NONPROFIT PERFORMING ARTS FACILITY WHERE THERE IS
29 AN AVAILABLE SEATING CAPACITY WITHIN THE PREMISES OF SIX HUNDRED
30 FIFTY OR MORE: PROVIDED, HOWEVER, THAT NO SALE OR CONSUMPTION OF

1 SUCH BEVERAGES SHALL TAKE PLACE ON ANY PORTIONS OF SUCH PREMISES
2 OTHER THAN SERVICE AREAS APPROVED BY THE BOARD.

3 * * *

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

8 * * *

9 SECTION 9. SECTIONS 408.7(F), 408.8(F), 408.10(F),
10 408.11(F), 409(B) AND 410(B) AND (C) OF THE ACT, AMENDED OR
11 ADDED APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

12 SECTION 408.7. PERFORMING ARTS FACILITIES IN FIRST AND
13 SECOND CLASS CITIES.--* * *

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

18 * * *

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

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

25 * * *

26 SECTION 408.10. RECREATION FACILITIES.--* * *

27 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
28 APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION, PURSUANT TO
29 SECTION 465, SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH
30 YEAR OF A LICENSING PERIOD, AND IN ADDITION THERETO THE

1 APPLICANT SHALL FILE AN ADDITIONAL BOND IN A SUM TO ASSURE
2 PAYMENT OF ANY FINE IMPOSED BY THE BOARD UP TO ONE THOUSAND
3 DOLLARS (\$1,000).]

4 * * *

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

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

9 * * *

10 SECTION 409. SACRAMENTAL WINE LICENSES; FEES; PRIVILEGES;
11 RESTRICTIONS.--* * *

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

22 * * *

23 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;
24 RESTRICTIONS.--* * *

25 (B) EVERY APPLICANT FOR AN IMPORTER'S LICENSE SHALL FILE A
26 WRITTEN APPLICATION WITH THE BOARD IN SUCH FORM AS THE BOARD
27 SHALL FROM TIME TO TIME PRESCRIBE. THE FILING AND LICENSE FEES
28 SHALL BE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
29 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
30 1929." [THE APPLICANT SHALL FILE A BOND AS HEREINAFTER

1 REQUIRED.] EVERY SUCH APPLICATION SHALL CONTAIN A DESCRIPTION OF
2 THE PRINCIPAL PLACE OF BUSINESS FOR WHICH THE APPLICANT DESIRES
3 A LICENSE AND SHALL SET FORTH SUCH OTHER MATERIAL INFORMATION AS
4 MAY BE REQUIRED BY THE BOARD.

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

23 * * *

24 SECTION 10. SECTION 431(A) AND (B) OF THE ACT, AMENDED MAY
25 31, 1996 (P.L.312, NO.49), ARE AMENDED TO READ:

26 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
27 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--(A) THE
28 BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH
29 OF GOOD REPUTE WHO APPLIES THEREFOR, AND PAYS THE LICENSE FEE
30 HEREINAFTER PRESCRIBED, [AND FILES THE BOND HEREINAFTER

1 REQUIRED,] A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE
2 MALT OR BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER
3 MALT OR BREWED BEVERAGES AT OR FROM ONE OR MORE PLACES OF
4 MANUFACTURE OR STORAGE, ONLY IN ORIGINAL CONTAINERS, IN
5 QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL CONTAINERS
6 CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE
7 SOLD SEPARATELY ANYWHERE WITHIN THE COMMONWEALTH. LICENSES FOR
8 PLACES OF STORAGE SHALL BE LIMITED TO THOSE MAINTAINED BY
9 MANUFACTURERS ON JULY EIGHTEENTH, ONE THOUSAND NINE HUNDRED
10 THIRTY-FIVE, AND THE BOARD SHALL ISSUE NO LICENSES FOR PLACES OF
11 STORAGE IN ADDITION TO THOSE MAINTAINED ON JULY EIGHTEENTH, ONE
12 THOUSAND NINE HUNDRED THIRTY-FIVE. THE APPLICATION FOR SUCH
13 LICENSE SHALL BE IN SUCH FORM AND CONTAIN SUCH INFORMATION AS
14 THE BOARD SHALL REQUIRE. ALL SUCH LICENSES SHALL BE GRANTED FOR
15 A LICENSE PERIOD TO BE DETERMINED BY THE BOARD. EVERY
16 MANUFACTURER SHALL KEEP AT HIS OR ITS PRINCIPAL PLACE OF
17 BUSINESS, WITHIN THE COMMONWEALTH DAILY PERMANENT RECORDS WHICH
18 SHALL SHOW, (1) THE QUANTITIES OF RAW MATERIALS RECEIVED AND
19 USED IN THE MANUFACTURE OF MALT OR BREWED BEVERAGES AND THE
20 QUANTITIES OF MALT OR BREWED BEVERAGES MANUFACTURED AND STORED,
21 (2) THE SALES OF MALT OR BREWED BEVERAGES, (3) THE QUANTITIES OF
22 MALT OR BREWED BEVERAGES STORED FOR HIRE OR TRANSPORTED FOR HIRE
23 BY OR FOR THE LICENSEE, AND (4) THE NAMES AND ADDRESSES OF THE
24 PURCHASERS OR OTHER RECIPIENTS THEREOF. EVERY PLACE LICENSED AS
25 A MANUFACTURER SHALL BE SUBJECT TO INSPECTION BY MEMBERS OF THE
26 BOARD OR BY PERSONS DULY AUTHORIZED AND DESIGNATED BY THE BOARD,
27 AT ANY AND ALL TIMES OF THE DAY OR NIGHT, AS THEY MAY DEEM
28 NECESSARY, FOR THE DETECTION OF VIOLATIONS OF THIS ACT OR OF THE
29 RULES AND REGULATIONS OF THE BOARD, OR FOR THE PURPOSE OF
30 ASCERTAINING THE CORRECTNESS OF THE RECORDS REQUIRED TO BE KEPT

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

21 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
22 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
23 PRESCRIBED, [AND FILES THE BOND HEREINAFTER REQUIRED,] A
24 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE
25 WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE OF MALT OR
26 BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES WHERE
27 SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL
28 CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE
29 WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET BY THE
30 MANUFACTURER AT THE PLACE OF MANUFACTURE. THE BOARD SHALL HAVE

1 THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
2 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
3 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
4 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
5 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
6 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
7 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
8 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
9 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
10 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
11 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
12 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
13 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
14 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
15 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
16 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
17 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
18 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
19 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
20 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE
21 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
22 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
23 FUELS OR OIL IS CONDUCTED. THE BOARD SHALL REQUIRE NOTICE TO BE
24 POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR
25 PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED
26 BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED
27 OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

28 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
29 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
30 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH

1 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
2 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
3 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
4 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
5 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
6 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
7 DISTRIBUTORS LICENSED UNDER THIS ARTICLE.

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

28 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
29 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
30 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF

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

25 * * *

26 SECTION 11. SECTIONS 433.1(B) AND 435 OF THE ACT, AMENDED
27 APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

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

29 (B) THE OWNER OR LESSEE OR A CONCESSIONAIRE OF ANY SUCH
30 PREMISES MAY MAKE APPLICATION FOR A PERMIT. THE AFORESAID

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

28 * * *

29 SECTION 435. FILING OF APPLICATIONS FOR DISTRIBUTORS',
30 IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES; FILING

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

10 SECTION 12. SECTION 468(A) OF THE ACT IS AMENDED TO READ:

11 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A)
12 LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE ASSIGNED. THE
13 BOARD, UPON PAYMENT OF THE TRANSFER FILING FEE [AND THE
14 EXECUTION OF A NEW BOND], IS HEREBY AUTHORIZED TO TRANSFER ANY
15 LICENSE ISSUED BY IT UNDER THE PROVISIONS OF THIS ARTICLE FROM
16 ONE PERSON TO ANOTHER OR FROM ONE PLACE TO ANOTHER, OR BOTH,
17 WITHIN THE SAME MUNICIPALITY, AND IF THE APPLICANT IS A UNIT OF
18 A NONPROFIT NATIONALLY CHARTERED CLUB, THE BOARD IS HEREBY
19 AUTHORIZED TO TRANSFER SUCH LICENSE TO A PLACE IN ANY OTHER
20 MUNICIPALITY WITHIN THE SAME COUNTY IF THE SALE OF LIQUOR OR
21 MALT AND BREWED BEVERAGES ARE LEGAL IN SUCH OTHER MUNICIPALITY
22 AS THE BOARD MAY DETERMINE. PRIOR TO THE APPROVAL OF AN
23 APPLICATION FOR TRANSFER BY A UNIT OF A NONPROFIT NATIONALLY
24 CHARTERED CLUB THE BOARD SHALL MAKE AN AFFIRMATIVE FINDING, UPON
25 PROOF SUBMITTED BY THE APPLICANT, AND AFTER INVESTIGATION BY THE
26 BOARD, THAT AT THE TIME THE APPLICATION FOR TRANSFER IS MADE THE
27 CLUB CONTINUES TO HOLD A VALID NATIONAL CHARTER AND CONTINUES TO
28 FUNCTION IN FACT AS A CLUB AS DEFINED IN SECTION 102. THE BOARD,
29 IN ITS DISCRETION, MAY TRANSFER AN EXISTING RESTAURANT RETAIL
30 DISPENSER OR CLUB LICENSE FROM ONE MUNICIPALITY TO ANOTHER IN

1 THE SAME COUNTY REGARDLESS OF THE QUOTA LIMITATIONS PROVIDED FOR
2 IN THIS ACT, IF SALES OF LIQUOR OR MALT AND BREWED BEVERAGES ARE
3 LEGAL IN SUCH OTHER MUNICIPALITY AND IF THE RESTAURANT RETAIL
4 DISPENSER OR CLUB LOST THE USE OF THE BUILDING IN WHICH IT WAS
5 LOCATED DUE TO GOVERNMENTAL EXERCISE OF THE RIGHT OF EMINENT
6 DOMAIN AND NO OTHER SUITABLE BUILDING CAN BE FOUND IN THE FIRST
7 MUNICIPALITY. IN THE CASE OF DISTRIBUTOR AND IMPORTING
8 DISTRIBUTOR LICENSES, THE BOARD MAY TRANSFER ANY SUCH LICENSE
9 FROM ITS PLACE IN A MUNICIPALITY TO A PLACE IN ANY OTHER
10 MUNICIPALITY WITHIN THE SAME COUNTY, OR FROM ONE PLACE TO
11 ANOTHER PLACE WITHIN THE SAME MUNICIPALITY, OR EXCHANGE A
12 DISTRIBUTOR LICENSE FOR AN IMPORTING DISTRIBUTOR LICENSE OR AN
13 IMPORTING DISTRIBUTOR LICENSE FOR A DISTRIBUTOR LICENSE, IF THE
14 BUILDING FOR WHICH THE LICENSE IS TO BE ISSUED HAS, IN THE CASE
15 OF AN IMPORTING DISTRIBUTOR LICENSE, AN AREA UNDER ONE ROOF OF
16 TWO THOUSAND FIVE HUNDRED SQUARE FEET AND, IN THE CASE OF A
17 DISTRIBUTOR LICENSE, AN AREA UNDER ONE ROOF OF ONE THOUSAND
18 SQUARE FEET: AND PROVIDED, THAT, IN THE CASE OF ALL TRANSFERS OF
19 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSES, WHETHER FROM A
20 PLACE WITHIN THE SAME MUNICIPALITY TO ANOTHER PLACE WITHIN THE
21 SAME MUNICIPALITY OR FROM A PLACE IN A MUNICIPALITY TO A PLACE
22 IN ANY OTHER MUNICIPALITY WITHIN THE SAME COUNTY, AND, IN THE
23 CASE OF AN EXCHANGE OF A DISTRIBUTOR LICENSE FOR AN IMPORTING
24 DISTRIBUTOR LICENSE OR AN IMPORTING DISTRIBUTOR LICENSE FOR A
25 DISTRIBUTOR LICENSE, THE PREMISES TO BE AFFECTED BY THE TRANSFER
26 OR EXCHANGE SHALL CONTAIN AN OFFICE SEPARATE AND APART FROM THE
27 REMAINDER OF THE PREMISES TO BE LICENSED FOR THE PURPOSE OF
28 KEEPING RECORDS, REQUIRED BY THE BOARD, ADEQUATE TOILET
29 FACILITIES FOR EMPLOYEES OF THE LICENSEE AND AN ENTRANCE ON A
30 PUBLIC THOROUGHFARE: PROVIDED, HOWEVER, THAT IN THE EVENT THAT

1 THE MAJORITY OF THE VOTING ELECTORS OF A MUNICIPALITY, AT AN
2 ELECTION HELD UNDER THE PROVISIONS OF ANY LAW SO EMPOWERING THEM
3 TO DO, SHALL VOTE AGAINST THE ISSUANCE OF DISTRIBUTOR OR
4 IMPORTING DISTRIBUTOR LICENSES IN SUCH MUNICIPALITY, THE BOARD
5 IS HEREBY AUTHORIZED TO TRANSFER ANY SUCH DISTRIBUTOR OR
6 IMPORTING DISTRIBUTOR LICENSE FROM ITS PLACE IN SUCH
7 MUNICIPALITY TO A PLACE IN ANY OTHER MUNICIPALITY WITHIN THE
8 SAME COUNTY, UPON APPLICATION PRIOR TO THE EXPIRATION OF ANY
9 SUCH LICENSE AND UPON PAYMENT OF THE TRANSFER FILING FEE [AND
10 THE EXECUTION OF A NEW BOND]; BUT NO TRANSFER SHALL BE MADE TO A
11 PERSON WHO WOULD NOT HAVE BEEN ELIGIBLE TO RECEIVE THE LICENSE
12 ORIGINALLY NOR FOR THE TRANSACTION OF BUSINESS AT A PLACE FOR
13 WHICH THE LICENSE COULD NOT LAWFULLY HAVE BEEN ISSUED
14 ORIGINALLY, NOR, EXCEPT AS HEREIN PROVIDED, TO A PLACE AS TO
15 WHICH A LICENSE HAS BEEN REVOKED. NO LICENSE SHALL BE
16 TRANSFERRED TO ANY PLACE OR PROPERTY UPON WHICH IS LOCATED AS A
17 BUSINESS THE SALE OF LIQUID FUELS AND OIL. EXCEPT IN CASES OF
18 EMERGENCY SUCH AS DEATH, SERIOUS ILLNESS, OR CIRCUMSTANCES
19 BEYOND THE CONTROL OF THE LICENSEE, AS THE BOARD MAY DETERMINE
20 SUCH CIRCUMSTANCES TO JUSTIFY ITS ACTION, TRANSFERS OF LICENSES
21 MAY BE MADE ONLY AT TIMES FIXED BY THE BOARD. IN THE CASE OF THE
22 DEATH OF A LICENSEE, THE BOARD MAY TRANSFER THE LICENSE TO THE
23 SURVIVING SPOUSE OR PERSONAL REPRESENTATIVE OR TO A PERSON
24 DESIGNATED BY HIM. FROM ANY REFUSAL TO GRANT A TRANSFER OR UPON
25 THE GRANT OF ANY TRANSFER, THE PARTY AGGRIEVED SHALL HAVE THE
26 RIGHT OF APPEAL TO THE PROPER COURT IN THE MANNER HEREINBEFORE
27 PROVIDED.

28 * * *

29 SECTION 13. SECTIONS 469 AND 470 OF THE ACT, AMENDED APRIL
30 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

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

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

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

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

FAILURE TO PREVENT FIGHTING, DISORDERLY CONDUCT OR OTHER
CRIMINAL ACTIVITY ON OR IN THE IMMEDIATE VICINITY OF THE
LICENSED PREMISES OR IN AREAS UNDER LICENSEE'S CONTROL WHERE
THERE EXISTS A CAUSAL CONNECTION BETWEEN THE ACTIVITY OUTSIDE
AND INSIDE THE LICENSED PREMISES, OR UNLESS THE PREMISES DO NOT
MEET THE REQUIREMENTS OF THIS ACT OR THE REGULATIONS OF THE
BOARD THE LICENSE SHALL BE RENEWED.

(B) IN CASES WHERE A LICENSEE OR HIS SERVANTS, AGENTS OR
EMPLOYEES ARE ARRESTED, CHARGED WITH VIOLATING ANY OF THE LAWS OF
THIS COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED
BEVERAGES, AND WHERE THE BOARD HAS ON FILE IN SUCH CASES REPORTS
OF ENFORCEMENT OFFICERS OR INVESTIGATORS OF THE ENFORCEMENT
BUREAU OR FROM OTHER SOURCES THAT A LICENSEE OR HIS SERVANTS,
AGENTS OR EMPLOYEES HAVE VIOLATED ANY OF THE AFOREMENTIONED LAWS
AND A PROCEEDING TO REVOKE SUCH LICENSEE'S LICENSE IS OR IS
ABOUT TO BE INSTITUTED, AND SUCH ARREST OCCURS OR REPORT OF
VIOLATIONS IS RECEIVED OR REVOCATION PROCEEDING INSTITUTED OR
ABOUT TO BE INSTITUTED DURING THE TIME A RENEWAL APPLICATION OF
SUCH LICENSE IS PENDING BEFORE THE BOARD, THE BOARD MAY, IN ITS
DISCRETION, RENEW THE LICENSE, NOTWITHSTANDING SUCH ALLEGED
VIOLATIONS, BUT SUCH RENEWAL LICENSE MAY BE REVOKED IF AND WHEN
THE LICENSEE OR ANY OF HIS SERVANTS, AGENTS OR EMPLOYEES ARE
CONVICTED OF OR PLEAD GUILTY TO VIOLATIONS UNDER THE PREVIOUS
LICENSE, AS AFORESAID, OR IF AND WHEN SUCH PREVIOUS LICENSE IS
FOR ANY REASON REVOKED.

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

SECTION 14. SECTION 471(B) OF THE ACT IS AMENDED TO READ:

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

* * *

(B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION 493(1) INsofar AS IT RELATES TO SALES TO MINORS, SECTION 493(10) INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF MINORS), AT OR RELATING TO THE LICENSED PREMISES, THE ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS (\$1,000) NOR MORE THAN FIVE THOUSAND DOLLARS (\$5,000), OR BOTH. THE ADMINISTRATIVE LAW JUDGE SHALL NOTIFY THE LICENSEE BY REGISTERED MAIL, ADDRESSED TO THE LICENSED PREMISES, OF SUCH SUSPENSION, REVOCATION OR FINE. [THE INCREASED CIVIL PENALTY IMPOSED BY THIS SUBSECTION SHALL NOT BE USED TO REQUIRE ANY LICENSEE TO INCREASE THE AMOUNT OF THE BOND

1 REQUIRED BY THIS ACT.] IN THE EVENT THE FINE IS NOT PAID WITHIN
2 TWENTY DAYS OF THE ADJUDICATION, THE ADMINISTRATIVE LAW JUDGE
3 SHALL SUSPEND OR REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY
4 REGISTERED MAIL ADDRESSED TO THE LICENSED PREMISES. SUSPENSIONS
5 AND REVOCATIONS SHALL NOT GO INTO EFFECT UNTIL THIRTY DAYS HAVE
6 ELAPSED FROM THE DATE OF THE ADJUDICATION DURING WHICH TIME THE
7 LICENSEE MAY TAKE AN APPEAL AS PROVIDED FOR IN THIS ACT. WHEN A
8 LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE FORFEITED. ANY
9 LICENSEE WHOSE LICENSE IS REVOKED SHALL BE INELIGIBLE TO HAVE A
10 LICENSE UNDER THIS ACT UNTIL THE EXPIRATION OF THREE YEARS FROM
11 THE DATE SUCH LICENSE WAS REVOKED. IN THE EVENT A LICENSE IS
12 REVOKED, NO LICENSE SHALL BE GRANTED FOR THE PREMISES OR
13 TRANSFERRED TO THE PREMISES IN WHICH THE SAID LICENSE WAS
14 CONDUCTED FOR A PERIOD OF AT LEAST ONE YEAR AFTER THE DATE OF
15 THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID PREMISES,
16 EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS IMMEDIATE
17 FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE THE BOARD
18 MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE
19 SAID YEAR. IN THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED
20 OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED
21 BY THE ADJUDICATION OF THE ADMINISTRATIVE LAW JUDGE, THERE SHALL
22 BE A RIGHT TO APPEAL TO THE BOARD. THE APPEAL SHALL BE BASED
23 SOLELY ON THE RECORD BEFORE THE ADMINISTRATIVE LAW JUDGE. THE
24 BOARD SHALL AFFIRM THE DECISION OF THE ADMINISTRATIVE LAW JUDGE
25 IF IT IS BASED ON SUBSTANTIAL EVIDENCE; OTHERWISE, THE BOARD
26 SHALL REVERSE THE DECISION OF THE ADMINISTRATIVE LAW JUDGE. IN
27 THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED OR WHOSE
28 LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED BY THE
29 DECISION OF THE BOARD, THERE SHALL BE A RIGHT TO APPEAL TO THE
30 COURT OF COMMON PLEAS IN THE SAME MANNER AS HEREIN PROVIDED FOR

1 APPEALS FROM REFUSALS TO GRANT LICENSES. EACH OF THE APPEALS
2 SHALL ACT AS A SUPERSEDEAS UNLESS, UPON SUFFICIENT CAUSE SHOWN,
3 THE REVIEWING AUTHORITY SHALL DETERMINE OTHERWISE; HOWEVER, IF
4 THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
5 493(1) INSOFAR AS IT RELATES TO SALES TO MINORS, SECTION 493(10)
6 INSOFAR AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
7 OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A
8 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR
9 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
10 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF "THE
11 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18
12 PA.C.S. § 5902 OR 6301, AT OR RELATING TO THE LICENSED PREMISES,
13 ITS APPEAL SHALL NOT ACT AS A SUPERSEDEAS UNLESS THE REVIEWING
14 AUTHORITY DETERMINES OTHERWISE UPON SUFFICIENT CAUSE SHOWN. IN
15 ANY HEARING ON AN APPLICATION FOR A SUPERSEDEAS UNDER THIS
16 SECTION, THE REVIEWING AUTHORITY MAY CONSIDER, IN ADDITION TO
17 OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE, INCLUDING RECORDS
18 OF THE BUREAU, SHOWING THE PRIOR HISTORY OF CITATIONS, FINES,
19 SUSPENSIONS OR REVOCATIONS AGAINST THE LICENSEE; AND THE
20 REVIEWING AUTHORITY MAY ALSO CONSIDER, IN ADDITION TO OTHER
21 RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL
22 ACTIVITY OCCURRING BETWEEN THE DATE OF THE CITATION WHICH IS THE
23 SUBJECT OF THE APPEAL AND THE DATE OF THE HEARING. NO PENALTY
24 PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY VIOLATIONS
25 PROVIDED FOR IN THIS ACT UNLESS THE BUREAU NOTIFIES THE LICENSEE
26 OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION OF THE
27 INVESTIGATION.

28 * * *

29 Section ~~2~~ 15. Section 472(a) of the act, amended May 31,
30 1996 (P.L.312, No.49), is amended to read:

<—

1 Section 472. Local Option.--(a) In any municipality or any
2 part of a municipality where such municipality is split so that
3 each part thereof is separated by another municipality, an
4 election may be held, subject to subsection (c), on the date of
5 the primary election immediately preceding any municipal
6 election, but not oftener than once in four years, to determine
7 the will of the electors with respect to the granting of liquor
8 licenses to hotels, restaurants and clubs, not oftener than once
9 in four years, to determine the will of the electors with
10 respect to the granting of liquor licenses to privately-owned
11 private golf courses or to privately-owned public golf courses,
12 not oftener than once in four years, to determine the will of
13 the electors with respect to the granting of licenses to retail
14 dispensers of malt and brewed beverages, not oftener than once
15 in four years, to determine the will of the electors with
16 respect to granting of licenses to wholesale distributors and
17 importing distributors, not more than once in two years, to
18 determine the will of the electors with respect to the granting
19 of club liquor licenses or club retail dispenser licenses to
20 incorporated units of national veterans' organizations, not
21 oftener than once in two years to determine the will of the
22 electors with respect to the granting of special occasion
23 permits to qualified organizations, or not more than once in
24 four years, to determine the will of the electors with respect
25 to the establishment, operation and maintenance by the board of
26 Pennsylvania liquor stores, within the limits of such
27 municipality or part of a split municipality, under the
28 provisions of this act: Provided, however, Where an election
29 shall have been held at the primary preceding a municipal
30 election in any year, another election may be held under the

1 provisions of this act at the primary occurring the fourth year
2 after such prior election: And provided further, That an
3 election on the question of establishing and operating a State
4 liquor store shall be initiated only in those municipalities, or
5 that part of a split municipality that shall have voted against
6 the granting of liquor licenses; and that an election on the
7 question of granting wholesale distributor and importing
8 distributor licenses shall be initiated only in those
9 municipalities or parts of split municipalities that shall have
10 at a previous election voted against the granting of dispenser's
11 licenses. Whenever electors equal to at least twenty-five per
12 centum of the highest vote cast for any office in the
13 municipality or part of a split municipality at the last
14 preceding general election shall file a petition with the county
15 board of elections of the county for a referendum on the
16 question of granting any of said classes of licenses or the
17 establishment of Pennsylvania liquor stores, the said county
18 board of elections shall cause a question to be placed on the
19 ballots or on the voting machine board and submitted at the
20 primary immediately preceding the municipal election. Separate
21 petitions must be filed for each question to be voted on. Said
22 proceedings shall be in the manner and subject to the provisions
23 of the election laws which relate to the signing, filing and
24 adjudication of nomination petitions, insofar as such provisions
25 are applicable.

26 When the question is in respect to the granting of liquor
27 licenses, it shall be in the following form:

28 Do you favor the granting of liquor licenses
29 for the sale of liquor in..... Yes
30 of.....? No

1 When the question is in respect to the granting of liquor
2 licenses, for privately-owned private golf courses, it shall be
3 in the following form:

4 Do you favor the granting of liquor licenses for
5 privately-owned private golf courses for the sale
6 of liquor in.....by..... Yes
7 of.....? No

8 When the question is in respect to the granting of liquor
9 licenses, for privately-owned public golf courses, it shall be
10 in the following form:

11 Do you favor the granting of liquor licenses for
12 privately-owned public golf courses for the sale
13 of liquor in.....by..... Yes
14 of.....? No

15 When the question is in respect to the granting of licenses
16 to retail dispensers of malt and brewed beverages, it shall be
17 in the following form:

18 Do you favor the granting of malt and brewed
19 beverage retail dispenser licenses for
20 consumption on premises where sold in the..... Yes
21 of.....? No

22 When the question is in respect to the granting of licenses
23 to wholesale distributors of malt or brewed beverages and
24 importing distributors, it shall be in the following form:

25 Do you favor the granting of malt and brewed
26 beverage wholesale distributor's and importing
27 distributor's licenses not for consumption on
28 premises where sold in the..... Yes
29 of.....? No

30 When the question is in respect to the granting of club

1 liquor licenses to incorporated units of national veterans'
2 organizations, it shall be in the following form:

3 Do you favor the granting of club liquor licenses
4 to incorporated units of national veterans' organizations
5 in the..... Yes
6 of.....? No

7 When the question is in respect to the granting of club
8 retail dispenser licenses to incorporated units of national
9 veterans' organizations, it shall be in the following form:

10 Do you favor the granting of club retail dispenser
11 licenses to incorporated units of national veterans'
12 organizations in the..... Yes
13 of.....? No

14 When the question is in respect to the granting of special
15 occasion permits to qualified organizations, it shall be in the
16 following form:

17 Do you favor the granting of special occasion permits
18 to qualified organizations in the..... Yes
19 of.....? No

20 When the question is in respect to the establishment,
21 operation and maintenance of Pennsylvania liquor stores it shall
22 be in the following form:

23 Do you favor the establishment, operation
24 and maintenance of Pennsylvania liquor
25 stores in the..... Yes
26 of.....? No

27 In case of a tie vote, the status quo shall obtain. If a
28 majority of the voting electors on any such question vote "yes,"
29 then liquor licenses shall be granted by the board to hotels,
30 restaurants and clubs, or liquor licenses shall be granted by

1 the board to privately-owned private golf courses or to
2 privately-owned public golf courses, or malt and brewed beverage
3 retail dispenser licenses or wholesale distributor's and
4 importing distributor's license for the sale of malt or brewed
5 beverages shall be granted by the board, or club liquor licenses
6 or club retail dispenser licenses shall be granted by the board
7 to incorporated units of national veterans' organizations, or
8 special occasion permits may be issued to qualified
9 organizations, or the board may establish, operate and maintain
10 Pennsylvania liquor stores, as the case may be, in such
11 municipality or part of a split municipality, as provided by
12 this act; but if a majority of the electors voting on any such
13 question vote "no," then the board shall have no power to grant
14 or to renew upon their expiration any licenses of the class so
15 voted upon in such municipality or part of a split municipality;
16 or if the negative vote is on the question in respect to the
17 establishment, operation and maintenance of Pennsylvania liquor
18 stores, the board shall not open and operate a Pennsylvania
19 liquor store in such municipality or part of a split
20 municipality, nor continue to operate a then existing
21 Pennsylvania liquor store in the municipality or part of a split
22 municipality for more than two years thereafter or after the
23 expiration of the term of the lease on the premises occupied by
24 such store, whichever period is less, unless and until at a
25 later election a majority of the voting electors vote "yes" on
26 such question.

27 * * *

28 SECTION 16. SECTION 492(8) OF THE ACT, AMENDED APRIL 29,
29 1994 (P.L.212, NO.30), IS AMENDED TO READ:

30 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED

1 BEVERAGES AND LICENSEES.--

2 IT SHALL BE UNLAWFUL--

3 * * *

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

19 * * *

20 SECTION 17. SECTION 493(2) AND (10) OF THE ACT, AMENDED
21 APRIL 29, 1994 (P.L.212, NO.30) AND MAY 31, 1996 (P.L.312,
22 NO.49), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
23 CLAUSE TO READ:

24 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
25 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
26 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
27 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
28 OTHERWISE.

29 IT SHALL BE UNLAWFUL--

30 * * *

1 (2) PURCHASE OR SALE OF LIQUOR OR MALT OR BREWED BEVERAGES
2 ON CREDIT. FOR ANY LICENSEE, HIS AGENT, SERVANT OR EMPLOYE, TO
3 SELL OR OFFER TO SELL OR PURCHASE OR RECEIVE ANY LIQUOR OR MALT
4 OR BREWED BEVERAGES EXCEPT FOR CASH, EXCEPTING CREDIT EXTENDED
5 BY A HOTEL OR CLUB TO A BONA FIDE GUEST OR MEMBER, OR BY
6 RAILROAD OR PULLMAN COMPANIES IN DINING, CLUB OR BUFFET CARS TO
7 PASSENGERS, FOR CONSUMPTION WHILE ENROUTE, HOLDING AUTHORIZED
8 CREDIT CARDS ISSUED BY RAILROAD OR RAILROAD CREDIT BUREAUS OR BY
9 HOTEL, RESTAURANT, RETAIL DISPENSER EATING PLACE, CLUB AND
10 PUBLIC SERVICE LICENSEES, IMPORTING DISTRIBUTORS OR DISTRIBUTORS
11 TO CUSTOMERS NOT POSSESSING A LICENSE UNDER THIS ARTICLE AND
12 HOLDING CREDIT CARDS ISSUED IN ACCORDANCE WITH REGULATIONS OF
13 THE BOARD OR CREDIT CARDS ISSUED BY BANKING INSTITUTIONS SUBJECT
14 TO STATE OR FEDERAL REGULATION: PROVIDED FURTHER, THAT NOTHING
15 HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT THE USE OF
16 CHECKS OR DRAFTS DRAWN ON A BANK, BANKING INSTITUTION, TRUST
17 COMPANY OR SIMILAR DEPOSITORY, ORGANIZED AND EXISTING UNDER THE
18 LAWS OF THE UNITED STATES OF AMERICA OR THE LAWS OF ANY STATE,
19 TERRITORY OR POSSESSION THEREOF, IN PAYMENT FOR ANY LIQUOR OR
20 MALT OR BREWED BEVERAGES IF THE PURCHASER IS THE PAYOR OF THE
21 CHECK OR DRAFT AND THE LICENSEE IS THE PAYEE. NO RIGHT OF ACTION
22 SHALL EXIST TO COLLECT ANY CLAIM FOR CREDIT EXTENDED CONTRARY TO
23 THE PROVISIONS OF THIS CLAUSE. NOTHING HEREIN CONTAINED SHALL
24 PROHIBIT A LICENSEE FROM CREDITING TO A PURCHASER THE ACTUAL
25 PRICE CHARGED FOR ORIGINAL CONTAINERS RETURNED BY THE ORIGINAL
26 PURCHASER AS A CREDIT ON ANY SALE, OR FROM REFUNDING TO ANY
27 PURCHASER THE AMOUNT PAID BY SUCH PURCHASER FOR SUCH CONTAINERS
28 OR AS A DEPOSIT ON CONTAINERS WHEN TITLE IS RETAINED BY THE
29 VENDOR, IF SUCH ORIGINAL CONTAINERS HAVE BEEN RETURNED TO THE
30 LICENSEE. NOTHING HEREIN CONTAINED SHALL PROHIBIT A MANUFACTURER

1 FROM EXTENDING USUAL AND CUSTOMARY CREDIT FOR LIQUOR OR MALT OR
2 BREWED BEVERAGES SOLD TO CUSTOMERS OR PURCHASERS WHO LIVE OR
3 MAINTAIN PLACES OF BUSINESS OUTSIDE OF THE COMMONWEALTH OF
4 PENNSYLVANIA, WHEN THE LIQUOR OR MALT OR BREWED BEVERAGES SO
5 SOLD ARE ACTUALLY TRANSPORTED AND DELIVERED TO POINTS OUTSIDE OF
6 THE COMMONWEALTH: PROVIDED, HOWEVER, THAT AS TO ALL TRANSACTIONS
7 AFFECTING MALT OR BREWED BEVERAGES TO BE RESOLD OR CONSUMED
8 WITHIN THIS COMMONWEALTH, EVERY LICENSEE SHALL PAY AND SHALL
9 REQUIRE CASH DEPOSITS ON ALL RETURNABLE ORIGINAL CONTAINERS AND
10 ALL SUCH CASH DEPOSITS SHALL BE REFUNDED UPON RETURN OF THE
11 ORIGINAL CONTAINERS.

12 * * *

13 (10) ENTERTAINMENT ON LICENSED PREMISES (EXCEPT CLUBS);
14 PERMITS; FEES. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR
15 EMPLOYES, EXCEPT CLUB LICENSEES, TO PERMIT IN ANY LICENSED
16 PREMISES OR IN ANY PLACE OPERATED IN CONNECTION THEREWITH,
17 DANCING, THEATRICALS OR FLOOR SHOWS OF ANY SORT, OR MOVING
18 PICTURES OTHER THAN TELEVISION, OR SUCH AS ARE EXHIBITED THROUGH
19 MACHINES OPERATED BY PATRONS BY THE DEPOSIT OF COINS, WHICH
20 PROJECT PICTURES ON A SCREEN NOT EXCEEDING IN SIZE TWENTY-FOUR
21 BY THIRTY INCHES AND WHICH FORMS PART OF THE MACHINE, UNLESS THE
22 LICENSEE SHALL FIRST HAVE OBTAINED FROM THE BOARD A SPECIAL
23 PERMIT TO PROVIDE SUCH ENTERTAINMENT, OR FOR ANY LICENSEE, UNDER
24 ANY CIRCUMSTANCES, TO PERMIT IN ANY LICENSED PREMISES ANY LEWD,
25 IMMORAL OR IMPROPER ENTERTAINMENT, REGARDLESS OF WHETHER A
26 PERMIT TO PROVIDE ENTERTAINMENT HAS BEEN OBTAINED OR NOT. THE
27 SPECIAL PERMIT MAY BE USED ONLY DURING THE HOURS WHEN THE SALE
28 OF LIQUOR OR MALT OR BREWED BEVERAGES IS PERMITTED, AND BETWEEN
29 ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAY AND TWO O'CLOCK
30 ANTEMERIDIAN ON THE FOLLOWING MONDAY, REGARDLESS OF WHETHER THE

1 LICENSEE POSSESSES A SUNDAY SALES PERMIT. THE BOARD SHALL HAVE
2 POWER TO PROVIDE FOR THE ISSUE OF SUCH SPECIAL PERMITS, AND TO
3 COLLECT AN ANNUAL FEE FOR SUCH PERMITS AS PRESCRIBED IN SECTION
4 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS
5 "THE ADMINISTRATIVE CODE OF 1929." ALL SUCH FEES SHALL BE PAID
6 INTO THE STATE STORES FUND. NO SUCH PERMIT SHALL BE ISSUED IN
7 ANY MUNICIPALITY WHICH, BY ORDINANCE, PROHIBITS AMUSEMENTS IN
8 LICENSED PLACES. ANY VIOLATION OF THIS CLAUSE SHALL, IN ADDITION
9 TO THE PENALTY HEREIN PROVIDED, SUBJECT THE LICENSEE TO
10 SUSPENSION OR REVOCATION OF HIS PERMIT AND HIS LICENSE.

11 * * *

12 (29) FOR ANY LICENSEE, ITS SERVANT, AGENT OR EMPLOYE TO
13 ENGAGE IN OR PERMIT ANY FIGHTING, DISORDERLY CONDUCT OR OTHER
14 CRIMINAL ACTIVITY ON OR IN THE IMMEDIATE VICINITY OF THE
15 LICENSED PREMISES OR UNDER THE LICENSEE'S CONTROL, WHERE THERE
16 EXISTS A CAUSAL CONNECTION BETWEEN THE ACTIVITY OUTSIDE AND
17 INSIDE THE LICENSED PREMISES.

18 SECTION 18. SECTIONS 504, 505 AND 514 OF THE ACT ARE AMENDED
19 TO READ:

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

27 (1) THE LEGAL NAMES OF THE APPLICANT AND OF THE OWNER OF THE
28 PLACE WHERE BUSINESS UNDER THE LICENSE WILL BE CARRIED ON, WITH
29 THEIR RESIDENCE ADDRESSES BY STREET AND NUMBER, IF A
30 PARTNERSHIP, OF EACH SEPARATE PARTNER, AND IF A CORPORATION, OF

1 EACH INDIVIDUAL OFFICER THEREOF.

2 (2) THE EXACT LOCATION OF SAID PLACE OF BUSINESS AND OF
3 EVERY PLACE TO BE OCCUPIED OR USED IN CONNECTION WITH SUCH
4 BUSINESS, THE PRODUCTIVE CAPACITY OF EACH PLANT WHERE ANY
5 ALCOHOL OR LIQUOR IS TO BE MANUFACTURED, PRODUCED, DISTILLED,
6 RECTIFIED, BLENDED, DEVELOPED OR USED IN THE PROCESS OF
7 MANUFACTURE, DENATURED, REDISTILLED, RECOVERED, REUSED, THE
8 CAPACITY OF EVERY WAREHOUSE OR OTHER PLACE WHERE SUCH ALCOHOL OR
9 LIQUOR OR MALT OR BREWED BEVERAGE IS TO BE HELD IN BOND OR
10 STORED FOR HIRE OR THE EQUIPMENT TO BE USED WHERE A
11 TRANSPORTATION BUSINESS IS TO BE CARRIED ON UNDER THE LICENSE.

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

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

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

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

1 AS BAILEE FOR HIRE, OF ALCOHOL, LIQUOR AND MALT OR BREWED
2 BEVERAGES; OR, (E) THE TRANSPORTING FOR HIRE OF ALCOHOL, LIQUOR
3 AND MALT OR BREWED BEVERAGES.

4 SECTION 514. SUSPENSION AND REVOCATION OF LICENSES.--(A)
5 UPON LEARNING OF ANY VIOLATION OF THIS ACT OR OF ANY RULE OR
6 REGULATION PROMULGATED BY THE BOARD UNDER THE AUTHORITY OF THIS
7 ACT, OR ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH OR OF THE
8 UNITED STATES OF AMERICA RELATING TO THE TAX PAYMENT OF ALCOHOL,
9 LIQUOR OR MALT OR BREWED BEVERAGES BY THE HOLDER OF A LICENSE
10 ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, OR UPON OTHER
11 SUFFICIENT CAUSE, THE ENFORCEMENT BUREAU MAY, WITHIN ONE YEAR
12 FROM THE DATE OF SUCH VIOLATION OR CAUSE APPEARING, CITE SUCH
13 LICENSEE TO APPEAR BEFORE AN ADMINISTRATIVE LAW JUDGE NOT LESS
14 THAN TEN (10) NOR MORE THAN SIXTY (60) DAYS FROM THE DATE OF
15 SENDING SUCH LICENSEE, BY REGISTERED MAIL, A NOTICE ADDRESSED TO
16 HIS LICENSED PREMISES, TO SHOW CAUSE WHY THE LICENSE SHOULD NOT
17 BE SUSPENDED OR REVOKED. HEARINGS ON SUCH CITATIONS SHALL BE
18 HELD IN THE SAME MANNER AS PROVIDED HEREIN FOR HEARINGS ON
19 APPLICATIONS FOR LICENSE. AND UPON SUCH HEARING, IF SATISFIED
20 THAT ANY SUCH VIOLATION HAS OCCURRED OR FOR OTHER SUFFICIENT
21 CAUSE, THE ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR
22 REVOKE SUCH LICENSE, NOTIFYING THE LICENSEE THEREOF BY
23 REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES, OR TO THE
24 ADDRESS GIVEN IN HIS APPLICATION WHERE NO LICENSED PREMISES IS
25 MAINTAINED IN PENNSYLVANIA.

26 (B) [WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE
27 FORFEITED.] ANY LICENSEE WHOSE LICENSE IS REVOKED SHALL BE
28 INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT OR UNDER ANY OTHER
29 ACT RELATING TO ALCOHOL, LIQUOR OR MALT OR BREWED BEVERAGES
30 UNTIL THE EXPIRATION OF THREE (3) YEARS FROM THE DATE SUCH

1 LICENSE WAS REVOKED. IN THE EVENT OF A REVOCATION, NO LICENSE
2 SHALL BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE PREMISES
3 IN WHICH SAID LICENSE WAS CONDUCTED FOR A PERIOD OF AT LEAST ONE
4 (1) YEAR AFTER THE DATE OF THE REVOCATION OF THE LICENSE
5 CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE THE
6 LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE OWNER OF
7 THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS DISCRETION,
8 ISSUE OR TRANSFER A LICENSE WITHIN SAID YEAR. SUCH HEARING
9 BEFORE AND ADJUDICATION BY AN ADMINISTRATIVE LAW JUDGE SHALL BE
10 IN ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO
11 PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

12 SECTION 19. SECTION 517 OF THE ACT, AMENDED APRIL 29, 1994
13 (P.L.212, NO.30), IS AMENDED TO READ:

14 SECTION 517. EXPIRATION OF LICENSES; RENEWALS.--ALL LICENSES
15 ISSUED UNDER THIS ARTICLE SHALL EXPIRE AT THE CLOSE OF THE
16 LICENSE PERIOD, BUT NEW LICENSES FOR THE SUCCEEDING LICENSE
17 PERIOD SHALL BE ISSUED UPON WRITTEN APPLICATION THEREFOR, DULY
18 VERIFIED BY AFFIDAVIT, STATING THAT THE FACTS IN THE ORIGINAL
19 APPLICATION ARE UNCHANGED, AND UPON PAYMENT OF THE FEE AS
20 HEREINAFTER PROVIDED [AND THE FURNISHING OF A NEW BOND], WITHOUT
21 THE FILING OF FURTHER STATEMENTS OR THE FURNISHING OF ANY
22 FURTHER INFORMATION UNLESS SPECIFICALLY REQUESTED BY THE BOARD:
23 PROVIDED, HOWEVER, THAT ANY SUCH LICENSE ISSUED TO A CORPORATION
24 SHALL EXPIRE THIRTY (30) DAYS AFTER ANY CHANGE IN THE OFFICERS
25 OF SUCH CORPORATION, UNLESS THE NAME AND ADDRESS OF EACH SUCH
26 NEW OFFICER OF SUCH CORPORATION SHALL, WITHIN THAT PERIOD, BE
27 REPORTED TO THE BOARD BY CERTIFICATE, DULY VERIFIED.

28 APPLICATIONS FOR RENEWALS MUST BE MADE NOT LESS THAN THIRTY (30)
29 NOR MORE THAN SIXTY (60) DAYS BEFORE THE EXPIRATION OF THE
30 LICENSE PERIOD. ALL APPLICATIONS FOR RENEWAL RECEIVED OTHERWISE

1 SHALL BE TREATED AS ORIGINAL APPLICATIONS. BETWEEN THE ACTIVITY
2 OUTSIDE AND INSIDE THE LICENSED PREMISES.

3 SECTION 20. SECTION 611(B) OF THE ACT IS AMENDED TO READ:

4 SECTION 611. NUISANCES; ACTIONS TO ENJOIN.--* * *

5 (B) AN ACTION TO ENJOIN ANY NUISANCE DEFINED IN THIS ACT MAY
6 BE BROUGHT IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA BY
7 THE ATTORNEY GENERAL, BY THE PENNSYLVANIA STATE POLICE, THROUGH
8 ITS BUREAU OF LIQUOR CONTROL ENFORCEMENT, BY THE MUNICIPALITY
9 WHEREIN THE ESTABLISHMENT IS LOCATED, BY THE DISTRICT ATTORNEY
10 OF THE PROPER COUNTY OR BY A PERSON WHO RESIDES OR HAS A PLACE
11 OF BUSINESS WITHIN FIVE HUNDRED FEET OF THE LOCATION OF THE
12 ALLEGED NUISANCE. SUCH ACTION SHALL BE BROUGHT AND TRIED AS AN
13 ACTION IN EQUITY AND MAY BE BROUGHT IN ANY COURT HAVING
14 JURISDICTION TO HEAR AND DETERMINE EQUITY CASES WITHIN THE
15 COUNTY IN WHICH THE OFFENSE OCCURS. IF IT IS MADE TO APPEAR, BY
16 AFFIDAVIT OR OTHERWISE, TO THE SATISFACTION OF THE COURT THAT
17 SUCH NUISANCE EXISTS, A TEMPORARY WRIT OF INJUNCTION SHALL
18 FORTHWITH ISSUE, RESTRAINING THE DEFENDANT FROM CONDUCTING OR
19 PERMITTING THE CONTINUANCE OF SUCH NUISANCE UNTIL THE CONCLUSION
20 OF THE PROCEEDINGS. IF A TEMPORARY INJUNCTION IS PRAYED FOR, THE
21 COURT MAY ISSUE AN ORDER RESTRAINING THE DEFENDANT AND ALL OTHER
22 PERSONS FROM REMOVING OR IN ANY WAY INTERFERING WITH THE
23 LIQUIDS, BEVERAGES OR OTHER THINGS USED IN CONNECTION WITH THE
24 VIOLATION OF THIS ACT CONSTITUTING SUCH NUISANCE. NO BOND SHALL
25 BE REQUIRED IN INSTITUTING SUCH PROCEEDINGS BROUGHT IN THE NAME
26 OF THE COMMONWEALTH BY THE ATTORNEY GENERAL OR THE DISTRICT
27 ATTORNEY. WHERE SUCH PROCEEDINGS ARE BROUGHT BY A PERSON, THE
28 COURT, UPON APPLICATION OF THE DEFENDANT AND PRIOR TO ANY
29 INJUNCTION BEING ISSUED, MAY DIRECT THE PLAINTIFF TO POST BOND
30 IN SUCH AMOUNT AS THE COURT MAY FIND TO BE REASONABLE AND

1 SUFFICIENT. IT SHALL NOT BE NECESSARY FOR THE COURT TO FIND THE
2 PROPERTY INVOLVED WAS BEING UNLAWFULLY USED, AS AFORESAID, AT
3 THE TIME OF THE HEARING, BUT ON FINDING THAT THE MATERIAL
4 ALLEGATIONS OF THE PETITION ARE TRUE, THE COURT SHALL ORDER THAT
5 NO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE SHALL BE
6 MANUFACTURED, SOLD, OFFERED FOR SALE, TRANSPORTED, BARTERED OR
7 FURNISHED, OR STORED IN BOND, OR STORED FOR HIRE IN SUCH ROOM,
8 HOUSE, BUILDING, STRUCTURE, BOAT, VEHICLE, OR PLACE, OR ANY PART
9 THEREOF.

10 * * *

11 SECTION 21. IT IS THE INTENT OF THE AMENDMENT OF SECTION 472
12 OF THE ACT THAT SPECIAL OCCASION PERMITS MAY CONTINUE TO BE
13 ISSUED IN ANY MUNICIPALITY OR ANY PART OF A MUNICIPALITY WHERE
14 SUCH MUNICIPALITY IS SPLIT SO THAT EACH PART THEREOF IS
15 SEPARATED BY ANOTHER MUNICIPALITY IF THE ISSUANCE OF SPECIAL
16 OCCASION PERMITS WAS PERMITTED IN SUCH MUNICIPALITY OR PART OF
17 SUCH SPLIT MUNICIPALITY ON THE EFFECTIVE DATE OF THIS AMENDATORY
18 ACT UNLESS THE VOTERS OF THAT MUNICIPALITY OR PART OF THAT SPLIT
19 MUNICIPALITY VOTE TO DISAPPROVE THE ISSUANCE OF SPECIAL OCCASION
20 PERMITS IN ACCORDANCE WITH THE REFERENDUM PROCEDURE OF THAT
21 SECTION.

22 Section 3 22. This act shall take effect immediately.

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