

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

SENATOR THOMPSON, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
FEBRUARY 4, 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.~~ FURTHER PROVIDING FOR SALES BY LIQUOR <—  
26 LICENSEES, FOR SPECIAL OCCASION PERMITS, FOR CERTAIN  
27 PERFORMING ARTS FACILITIES, FOR STADIUM OR ARENA PERMITS, FOR  
28 BREWERIES, FOR LOCAL OPTIONS, FOR UNLAWFUL ACTS RELATIVE TO

1 MALT OR BREWED BEVERAGES, FOR UNLAWFUL ACTS RELATIVE TO  
2 LIQUOR, MALT AND BREWED BEVERAGES AND LICENSEES AND FOR  
3 NUISANCES AND INJUNCTIONS.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 ~~Section 1. Section 403(a) of the act of April 12, 1951~~ <—  
7 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~  
8 ~~June 29, 1987 (P.L.32, No.14) and amended April 29, 1994~~  
9 ~~(P.L.212, No.30), is amended to read:~~

10 ~~Section 403. Applications for Hotel, Restaurant and Club~~  
11 ~~Liquor Licenses. (a) Every applicant for a hotel liquor~~  
12 ~~license, restaurant liquor license or club liquor license or for~~  
13 ~~the transfer of an existing license to another premises not then~~  
14 ~~licensed shall file a written application with the board in such~~  
15 ~~form and containing such information as the board shall from~~  
16 ~~time to time prescribe, which shall be accompanied by a filing~~  
17 ~~fee and an annual license fee as prescribed in section 614 A of~~  
18 ~~the act of April 9, 1929 (P.L.177, No.175), known as "The~~  
19 ~~Administrative Code of 1929[, " and the bond hereinafter~~  
20 ~~specified.]."~~ Every such application shall contain a description  
21 of that part of the hotel, restaurant or club for which the  
22 applicant desires a license and shall set forth such other  
23 material information, description or plan of that part of the  
24 hotel, restaurant or club where it is proposed to keep and sell  
25 liquor as may be required by the regulations of the board. The  
26 descriptions, information and plans referred to in this  
27 subsection shall show the hotel, restaurant, club, or the  
28 proposed location for the construction of a hotel, restaurant or  
29 club, at the time the application is made, and shall show any  
30 alterations proposed to be made thereto, or the new building  
31 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 1. SECTION 406(A) OF THE ACT OF APRIL 12, 1951~~ <—  
21 ~~(P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED~~  
22 ~~JUNE 29, 1987 (P.L.32, NO.14), IS AMENDED BY ADDING A PARAGRAPH~~  
23 ~~TO READ:~~

24 ~~Section 406. Sales by Liquor Licensees; Restrictions.--(a)~~

25 ~~\* \* \*~~

26 (7) Notwithstanding any provision of this act, on the Sunday  
27 on which the sporting event commonly referred to as the "Super  
28 Bowl" is conducted, licensees who do not possess the special  
29 annual permit provided for in clause PARAGRAPH (3), their <—  
30 servants, agents or employes may sell liquor and malt or brewed

beverages on such Sunday after one o'clock postmeridian and  
until two o'clock antemeridian of the following day.

~~(8) Notwithstanding other provisions to the contrary, a  
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. \* \* \*~~

1       ~~{(f) The penal sum of the bond which shall be filed by an~~  
2       ~~applicant for a trade show and convention license pursuant to~~  
3       ~~section 465 of this article shall be two thousand dollars~~  
4       ~~(\$2,000) and in addition thereto he shall file an additional~~  
5       ~~bond in a sum to assure payment of any suspension of license up~~  
6       ~~to one hundred days.}~~

7       ~~\* \* \*~~

8       ~~Section 408.2. City Owned Stadia. \* \* \*~~

9       ~~{(f) The penal sum of the bond which shall be filed by an~~  
10       ~~applicant for a stadium license pursuant to section 465 of the~~  
11       ~~"Liquor Code" shall be two thousand dollars (\$2,000) and in~~  
12       ~~addition thereto he shall file an additional bond in a sum to~~  
13       ~~assure payment of any fine imposed by the board up to one~~  
14       ~~thousand dollars (\$1,000).}~~

15       ~~\* \* \*~~

16       ~~Section 408.3. Performing Arts Facilities. \* \* \*~~

17       ~~{(f) The penal sum of the bond which shall be filed by an~~  
18       ~~applicant for a performing arts facility pursuant to section 465~~  
19       ~~of the "Liquor Code" shall be two thousand dollars (\$2,000).}~~

20       ~~\* \* \*~~

21       Section 7 2. Section 408.4(a) of the act, amended December       <—  
22       20, 1996 (P.L.1523, No.199), is amended to read:

23       Section 408.4. Special Occasion Permits.--(a) Upon  
24       application of any hospital, church, synagogue, volunteer fire  
25       company, volunteer ambulance company, volunteer rescue squad,  
26       nonprofit agricultural association in existence for at least ten  
27       years, bona fide sportsmen's club in existence for at least ten  
28       years, nationally chartered veterans' organization and any  
29       affiliated lodge or subdivision of such organization, fraternal  
30       benefit society that is licensed to do business in this



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

18 \* \* \*

19 ~~Section 8. Section 408.6(a) and (f) of the act, amended~~ <—  
20 ~~April 29, 1994 (P.L.212, No.30) and May 31, 1996 (P.L.312,~~  
21 ~~No.49), are amended to read:~~

22 SECTION 3. SECTIONS 408.6(A) AND 433.1(A) OF THE ACT, <—  
23 AMENDED MAY 31, 1996 (P.L.312, NO.49), ARE AMENDED TO READ:

24 Section 408.6. Performing Arts Facilities in Second Class A  
25 Cities, Third Class Cities, BOROUGHs and Townships of the Second <—  
26 Class Located in Fourth Class Counties.--(a) The board is  
27 authorized to issue a restaurant liquor license to a nonprofit  
28 corporation or to a concessionaire selected by such nonprofit  
29 corporation in any city of the second class A [or], any city of  
30 the third class or any borough for the retail sale of liquor and

1 malt or brewed beverages by the glass, open bottles or other  
2 container or in any mixture for consumption on any city-owned  
3 premises utilized as a nonprofit performing arts facility or any  
4 other premises utilized as a nonprofit performing arts facility  
5 where there is an available seating capacity within the premises  
6 of six hundred fifty or more: Provided, however, That no sale or  
7 consumption of such beverages shall take place on any portions  
8 of such premises other than service areas approved by the board.

9 \* \* \*

10 ~~[(f) The penal sum of the bond which shall be filed by an~~ <—  
11 ~~applicant for a performing arts facility pursuant to section 465~~  
12 ~~shall be two thousand dollars (\$2,000) for each year of a~~  
13 ~~licensing period.]~~

14 \* \* \*

15 ~~Section 9. Sections 408.7(f), 408.8(f), 408.10(f),~~  
16 ~~408.11(f), 409(b) and 410(b) and (c) of the act, amended or~~  
17 ~~added April 29, 1994 (P.L.212, No.30), are amended to read:~~

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.]~~

~~\* \* \*~~

~~Section 408.10. Recreation Facilities. \* \* \*~~

~~[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000) for each year of a licensing period, and in addition thereto the applicant shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).]~~

~~\* \* \*~~

~~Section 408.11. Seasonal Outdoor Cafe. \* \* \*~~

~~[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000).]~~

~~\* \* \*~~

~~Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions. \* \* \*~~

~~(b) Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing 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," and a license fee of one hundred dollars[, and a bond as hereinafter prescribed]. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.~~

~~\* \* \*~~

~~Section 410. Liquor Importers' Licenses; Fees; Privileges; 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 10. Section 431(a) and (b) of the act, amended May~~

1 ~~31, 1996 (P.L. 312, No. 49), are amended to read:~~

2 ~~Section 431. Malt and Brewed Beverages Manufacturers',~~  
3 ~~Distributors' and Importing Distributors' Licenses. (a) The~~  
4 ~~board shall issue to any person a resident of this Commonwealth~~  
5 ~~of good repute who applies therefor, and pays the license fee~~  
6 ~~hereinafter prescribed, [and files the bond hereinafter~~  
7 ~~required,] a manufacturer's license to produce and manufacture~~  
8 ~~malt or brewed beverages, and to transport, sell and deliver~~  
9 ~~malt or brewed beverages at or from one or more places of~~  
10 ~~manufacture or storage, only in original containers, in~~  
11 ~~quantities of not less than a case or original containers~~  
12 ~~containing one hundred twenty eight ounces or more which may be~~  
13 ~~sold separately anywhere within the Commonwealth. Licenses for~~  
14 ~~places of storage shall be limited to those maintained by~~  
15 ~~manufacturers on July eighteenth, one thousand nine hundred~~  
16 ~~thirty five, and the board shall issue no licenses for places of~~  
17 ~~storage in addition to those maintained on July eighteenth, one~~  
18 ~~thousand nine hundred thirty five. The application for such~~  
19 ~~license shall be in such form and contain such information as~~  
20 ~~the board shall require. All such licenses shall be granted for~~  
21 ~~a license period to be determined by the board. Every~~  
22 ~~manufacturer shall keep at his or its principal place of~~  
23 ~~business, within the Commonwealth daily permanent records which~~  
24 ~~shall show, (1) the quantities of raw materials received and~~  
25 ~~used in the manufacture of malt or brewed beverages and the~~  
26 ~~quantities of malt or brewed beverages manufactured and stored,~~  
27 ~~(2) the sales of malt or brewed beverages, (3) the quantities of~~  
28 ~~malt or brewed beverages stored for hire or transported for hire~~  
29 ~~by or for the licensee, and (4) the names and addresses of the~~  
30 ~~purchasers or other recipients thereof. Every place licensed as~~

1 ~~a manufacturer shall be subject to inspection by members of the~~  
2 ~~board or by persons duly authorized and designated by the board,~~  
3 ~~at any and all times of the day or night, as they may deem~~  
4 ~~necessary, for the detection of violations of this act or of the~~  
5 ~~rules and regulations of the board, or for the purpose of~~  
6 ~~ascertaining the correctness of the records required to be kept~~  
7 ~~by licensees. The books and records of such licensees shall at~~  
8 ~~all times be open to inspection by members of the board or by~~  
9 ~~persons duly authorized and designated by the board. Members of~~  
10 ~~the board and its duly authorized agents shall have the right,~~  
11 ~~without hindrance, to enter any place which is subject to~~  
12 ~~inspection hereunder or any place where such records are kept~~  
13 ~~for the purpose of making such inspections and making~~  
14 ~~transcripts thereof. Whenever any checks issued in payment of~~  
15 ~~filing and/or license fees shall be returned to the board as~~  
16 ~~dishonored, the board shall charge a fee of five dollars (\$5.00)~~  
17 ~~per hundred dollars or fractional part thereof, plus all protest~~  
18 ~~fees, to the maker of such check submitted to the board. Failure~~  
19 ~~to make full payment or pay the face amount of the check in full~~  
20 ~~and all charges thereon as herein required within ten days after~~  
21 ~~demand has been made by the board upon the maker of the check or~~  
22 ~~upon notification to the board by the Department of Revenue or~~  
23 ~~the Department of Labor and Industry of its objection, the~~  
24 ~~license of such person shall immediately become invalid and~~  
25 ~~shall remain invalid until payment and all charges are received~~  
26 ~~by the board.~~

27 ~~(b) The board shall issue to any reputable person who~~  
28 ~~applies therefor, and pays the license fee hereinafter~~  
29 ~~prescribed, [and files the bond hereinafter required,] a~~  
30 ~~distributor's or importing distributor's license for the place~~

~~1 which such person desires to maintain for the sale of malt or  
2 brewed beverages, not for consumption on the premises where  
3 sold, and in quantities of not less than a case or original  
4 containers containing one hundred twenty eight ounces or more  
5 which may be sold separately as prepared for the market by the  
6 manufacturer at the place of manufacture. The board shall have  
7 the discretion to refuse a license to any person or to any  
8 corporation, partnership or association if such person, or any  
9 officer or director of such corporation, or any member or  
10 partner of such partnership or association shall have been  
11 convicted or found guilty of a felony within a period of five  
12 years immediately preceding the date of application for the said  
13 license: And provided further, That, in the case of any new  
14 license or the transfer of any license to a new location, the  
15 board may, in its discretion, grant or refuse such new license  
16 or transfer if such place proposed to be licensed is within  
17 three hundred feet of any church, hospital, charitable  
18 institution, school or public playground, or if such new license  
19 or transfer is applied for a place which is within two hundred  
20 feet of any other premises which is licensed by the board: And  
21 provided further, That the board shall refuse any application  
22 for a new license or the transfer of any license to a new  
23 location if, in the board's opinion, such new license or  
24 transfer would be detrimental to the welfare, health, peace and  
25 morals of the inhabitants of the neighborhood within a radius of  
26 five hundred feet of the place proposed to be licensed. The  
27 board shall refuse any application for a new license or the  
28 transfer of any license to a location where the sale of liquid  
29 fuels or oil is conducted. The board shall require notice to be  
30 posted on the property or premises upon which the licensee or~~

~~proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.~~

~~Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.~~

~~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~~



1 ~~under which such products are to be resold within the territory~~  
2 ~~granted to the primary importing distributor by the~~  
3 ~~manufacturer.~~

4 ~~When a Pennsylvania manufacturer of malt or brewed beverages~~  
5 ~~licensed under this article names or constitutes a distributor~~  
6 ~~or importing distributor as the primary or original supplier of~~  
7 ~~his product, he shall also designate the specific geographical~~  
8 ~~area for which the said distributor or importing distributor is~~  
9 ~~given distributing rights, and such distributor or importing~~  
10 ~~distributor shall not sell or deliver the products of such~~  
11 ~~manufacturer to any person issued a license under the provisions~~  
12 ~~of this act whose licensed premises are not located within the~~  
13 ~~geographical area for which distributing rights have been given~~  
14 ~~to the distributor and importing distributor by the said~~  
15 ~~manufacturer: Provided, That the importing distributor holding~~  
16 ~~such distributing rights for such product shall not sell or~~  
17 ~~deliver the same to another importing distributor without first~~  
18 ~~having entered into a written agreement with the said secondary~~  
19 ~~importing distributor setting forth the terms and conditions~~  
20 ~~under which such products are to be resold within the territory~~  
21 ~~granted to the primary importing distributor by the~~  
22 ~~manufacturer. Nothing herein contained shall be construed to~~  
23 ~~prevent any manufacturer from authorizing the importing~~  
24 ~~distributor holding the distributing rights for a designated~~  
25 ~~geographical area from selling the products of such manufacturer~~  
26 ~~to another importing distributor also holding distributing~~  
27 ~~rights from the same manufacturer for another geographical area,~~  
28 ~~providing such authority be contained in writing and a copy~~  
29 ~~thereof be given to each of the importing distributors so~~  
30 ~~affected.~~

~~\* \* \*~~

~~Section 11. Sections 433.1(b) and 435 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:~~

~~Section 433.1. Stadium or Arena Permits. \* \* \*~~

~~(b) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. An applicant under subsection (a)(2) for a permit for a stadium or arena owned by the city in a city of the third class which shall have a seating capacity of at least four thousand but less than six thousand five hundred shall designate one or more areas of the licensed premises comprising not less than fifteen percent (15%) of its seating capacity in which the sale of malt and brewed beverages shall not be authorized. The applicant shall submit such other information as the board may require. Applications shall be, in writing on forms prescribed by the board, and signed and sworn to by the applicant. The application and permit fees shall be 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." {A surety bond in the amount of one thousand dollars (\$1000)}~~

~~shall be filed for each year of a licensing period conditioned the same as the license bonds required by this act for retail dispenser licenses.]~~

~~\* \* \*~~

~~Section 435. Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee. Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license, as aforesaid, in any municipality of this Commonwealth, shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board. The applicant shall file with the board fees 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." [The applicant shall file a bond as herein required.]~~

~~Section 12. Section 468(a) of the act is amended to read:~~

~~Section 468. Licenses Not Assignable; Transfers. (a) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee [and the execution of a new bond], is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, and if the applicant is a unit of a nonprofit nationally chartered club, the board is hereby authorized to transfer such license to a place in any other municipality within the same county if the sale of liquor or malt and brewed beverages are legal in such other municipality as the board may determine. Prior to the approval of an application for transfer by a unit of a nonprofit nationally chartered club the board shall make an affirmative finding, upon~~

~~1 proof submitted by the applicant, and after investigation by the  
2 board, that at the time the application for transfer is made the  
3 club continues to hold a valid national charter and continues to  
4 function in fact as a club as defined in section 102. The board,  
5 in its discretion, may transfer an existing restaurant retail  
6 dispenser or club license from one municipality to another in  
7 the same county regardless of the quota limitations provided for  
8 in this act, if sales of liquor or malt and brewed beverages are  
9 legal in such other municipality and if the restaurant retail  
10 dispenser or club lost the use of the building in which it was  
11 located due to governmental exercise of the right of eminent  
12 domain and no other suitable building can be found in the first  
13 municipality. In the case of distributor and importing  
14 distributor licenses, the board may transfer any such license  
15 from its place in a municipality to a place in any other  
16 municipality within the same county, or from one place to  
17 another place within the same municipality, or exchange a  
18 distributor license for an importing distributor license or an  
19 importing distributor license for a distributor license, if the  
20 building for which the license is to be issued has, in the case  
21 of an importing distributor license, an area under one roof of  
22 two thousand five hundred square feet and, in the case of a  
23 distributor license, an area under one roof of one thousand  
24 square feet: And provided, That, in the case of all transfers of  
25 distributor or importing distributor licenses, whether from a  
26 place within the same municipality to another place within the  
27 same municipality or from a place in a municipality to a place  
28 in any other municipality within the same county, and, in the  
29 case of an exchange of a distributor license for an importing  
30 distributor license or an importing distributor license for a~~

~~1 distributor license, the premises to be affected by the transfer  
2 or exchange shall contain an office separate and apart from the  
3 remainder of the premises to be licensed for the purpose of  
4 keeping records, required by the board, adequate toilet  
5 facilities for employes of the licensee and an entrance on a  
6 public thoroughfare: Provided, however, That in the event that  
7 the majority of the voting electors of a municipality, at an  
8 election held under the provisions of any law so empowering them  
9 to do, shall vote against the issuance of distributor or  
10 importing distributor licenses in such municipality, the board  
11 is hereby authorized to transfer any such distributor or  
12 importing distributor license from its place in such  
13 municipality to a place in any other municipality within the  
14 same county, upon application prior to the expiration of any  
15 such license and upon payment of the transfer filing fee [and  
16 the execution of a new bond]; but no transfer shall be made to a  
17 person who would not have been eligible to receive the license  
18 originally nor for the transaction of business at a place for  
19 which the license could not lawfully have been issued  
20 originally, nor, except as herein provided, to a place as to  
21 which a license has been revoked. No license shall be  
22 transferred to any place or property upon which is located as a  
23 business the sale of liquid fuels and oil. Except in cases of  
24 emergency such as death, serious illness, or circumstances  
25 beyond the control of the licensee, as the board may determine  
26 such circumstances to justify its action, transfers of licenses  
27 may be made only at times fixed by the board. In the case of the  
28 death of a licensee, the board may transfer the license to the  
29 surviving spouse or personal representative or to a person  
30 designated by him. From any refusal to grant a transfer or upon~~

1 ~~the grant of any transfer, the party aggrieved shall have the~~  
2 ~~right of appeal to the proper court in the manner hereinbefore~~  
3 ~~provided.~~

4       ~~\* \* \*~~

5       ~~Section 13. Sections 469 and 470 of the act, amended April~~  
6 ~~29, 1994 (P.L.212, No.30), are amended to read:~~

7       ~~Section 469. Applications for Transfers; Fees. (a) Every~~  
8 ~~applicant for a transfer of a license under the provisions of~~  
9 ~~this article shall file a written application with the board,~~  
10 ~~together with a filing fee as prescribed in section 614 A of the~~  
11 ~~act of April 9, 1929 (P.L.177, No.175), known as "The~~  
12 ~~Administrative Code of 1929." [Each such applicant shall also~~  
13 ~~file an approved bond for each year of a licensing period as~~  
14 ~~required on original applications for such licenses.]~~

15       ~~(b) Whenever any license is transferred, no license or other~~  
16 ~~fees shall be required from the persons to whom such transfer is~~  
17 ~~made for the portion of the license period for which the license~~  
18 ~~fee has been paid by the transferor, except for transfer fees~~  
19 ~~provided in section 614 A of "The Administrative Code of 1929."~~

20       ~~Section 470. Renewal of Licenses; Temporary Provisions for~~  
21 ~~Licensees in Armed Service. (a) All applications for renewal~~  
22 ~~of licenses under the provisions of this article shall be filed~~  
23 ~~with [a new bond,] tax clearance from the Department of Revenue~~  
24 ~~and the Department of Labor and Industry and requisite license~~  
25 ~~and filing fees at least sixty days before the expiration date~~  
26 ~~of same: Provided, however, That the board, in its discretion,~~  
27 ~~may accept a renewal application filed less than sixty days~~  
28 ~~before the expiration date of the license with the required~~  
29 ~~[bond and] fees, upon reasonable cause shown and the payment of~~  
30 ~~an additional filing fee of one hundred dollars (\$100.00) for~~

1 ~~late filing: And provided further, That except where the failure~~  
2 ~~to file a renewal application on or before the expiration date~~  
3 ~~has created a license quota vacancy after said expiration date~~  
4 ~~which has been filled by the issuance of a new license, after~~  
5 ~~such expiration date, but before the board has received a~~  
6 ~~renewal application within the time prescribed herein the board,~~  
7 ~~in its discretion, may, after hearing, accept a renewal~~  
8 ~~application filed within ten months after the expiration date of~~  
9 ~~the license with the required [bond and] fees upon the payment~~  
10 ~~of an additional filing fee of two hundred fifty dollars~~  
11 ~~(\$250.00) for late filing. Where any such renewal application is~~  
12 ~~filed less than sixty days before the expiration date, or~~  
13 ~~subsequent to the expiration date, no license shall issue upon~~  
14 ~~the filing of the renewal application until the matter is~~  
15 ~~finally determined by the board and if an appeal is taken from~~  
16 ~~the board's action the courts shall not order the issuance of~~  
17 ~~the renewal license until final determination of the matter by~~  
18 ~~the courts. A renewal application will not be considered filed~~  
19 ~~unless accompanied by [a new bond and] the requisite filing and~~  
20 ~~license fees and any additional filing fee required by this~~  
21 ~~section. Unless the board shall have given ten days' previous~~  
22 ~~notice to the applicant of objections to the renewal of his~~  
23 ~~license, based upon violation by the licensee or his servants,~~  
24 ~~agents or employes of any of the laws of the Commonwealth or~~  
25 ~~regulations of the board relating to the manufacture,~~  
26 ~~transportation, use, storage, importation, possession or sale of~~  
27 ~~liquors, alcohol or malt or brewed beverages, or the conduct of~~  
28 ~~a licensed establishment, or unless the applicant has by his own~~  
29 ~~act become a person of ill repute, or unless the premises do not~~  
30 ~~meet the requirements of this act or the regulations of the~~

1 ~~board, the license of a licensee shall be renewed. Unless the~~  
2 ~~board shall have given ten days' previous notice to the~~  
3 ~~applicant of objections to the renewal of the license, based~~  
4 ~~upon violation by the licensee, its servants, agents or employes~~  
5 ~~of any of the laws or regulations of the United States or the~~  
6 ~~Commonwealth, or licensee's citation history, or licensee's~~  
7 ~~failure to prevent fighting, disorderly conduct or other~~  
8 ~~criminal activity on or in the immediate vicinity of the~~  
9 ~~licensed premises or in areas under licensee's control where~~  
10 ~~there exists a causal connection between the activity outside~~  
11 ~~and inside the licensed premises, or unless the premises do not~~  
12 ~~meet the requirements of this act or the regulations of the~~  
13 ~~board the license shall be renewed.~~

14 ~~(b) In cases where a licensee or his servants, agents or~~  
15 ~~employes are arrested, charged with violating any of the laws of~~  
16 ~~this Commonwealth relating to liquor, alcohol or malt or brewed~~  
17 ~~beverages, and where the board has on file in such cases reports~~  
18 ~~of enforcement officers or investigators of the enforcement~~  
19 ~~bureau or from other sources that a licensee or his servants,~~  
20 ~~agents or employes have violated any of the aforementioned laws~~  
21 ~~and a proceeding to revoke such licensee's license is or is~~  
22 ~~about to be instituted, and such arrest occurs or report of~~  
23 ~~violations is received or revocation proceeding instituted or~~  
24 ~~about to be instituted during the time a renewal application of~~  
25 ~~such license is pending before the board, the board may, in its~~  
26 ~~discretion, renew the license, notwithstanding such alleged~~  
27 ~~violations, but such renewal license may be revoked if and when~~  
28 ~~the licensee or any of his servants, agents or employes are~~  
29 ~~convicted of or plead guilty to violations under the previous~~  
30 ~~license, as aforesaid, or if and when such previous license is~~



1 ~~for any reason revoked.~~

2 ~~In the event such renewal license is revoked by the board,~~  
3 ~~neither the license fee paid for such license nor any part~~  
4 ~~thereof shall be returned to the licensee[, but the license bond~~  
5 ~~filed with the application for such renewal of license shall not~~  
6 ~~be forfeited].~~

7 ~~Section 14. Section 471(b) of the act is amended to read:~~

8 ~~Section 471. Revocation and Suspension of Licenses; Fines.~~

9 ~~\* \* \*~~

10 ~~(b) Hearing on such citations shall be held in the same~~  
11 ~~manner as provided herein for hearings on applications for~~  
12 ~~license. Upon such hearing, if satisfied that any such violation~~  
13 ~~has occurred or for other sufficient cause, the administrative~~  
14 ~~law judge shall immediately suspend or revoke the license, or~~  
15 ~~impose a fine of not less than fifty dollars (\$50) nor more than~~  
16 ~~one thousand dollars (\$1,000), or both, notifying the licensee~~  
17 ~~by registered letter addressed to his licensed premises. If the~~  
18 ~~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 act~~  
25 ~~of April 14, 1972 (P.L.233, No.64), known as "The Controlled~~  
26 ~~Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. §~~  
27 ~~5902 (relating to prostitution and related offenses) or 6301~~  
28 ~~(relating to corruption of minors), at or relating to the~~  
29 ~~licensed premises, the administrative law judge shall~~  
30 ~~immediately suspend or revoke the license, or impose a fine of~~

~~1 not less than one thousand dollars (\$1,000) nor more than five  
2 thousand dollars (\$5,000), or both. The administrative law judge  
3 shall notify the licensee by registered mail, addressed to the  
4 licensed premises, of such suspension, revocation or fine. [The  
5 increased civil penalty imposed by this subsection shall not be  
6 used to require any licensee to increase the amount of the bond  
7 required by this act.] In the event the fine is not paid within  
8 twenty days of the adjudication, the administrative law judge  
9 shall suspend or revoke the license, notifying the licensee by  
10 registered mail addressed to the licensed premises. Suspensions  
11 and revocations shall not go into effect until thirty days have  
12 elapsed from the date of the adjudication during which time the  
13 licensee may take an appeal as provided for in this act. When a  
14 license is revoked, the licensee's bond may be forfeited. Any  
15 licensee whose license is revoked shall be ineligible to have a  
16 license under this act until the expiration of three years from  
17 the date such license was revoked. In the event a license is  
18 revoked, no license shall be granted for the premises or  
19 transferred to the premises in which the said license was  
20 conducted for a period of at least one year after the date of  
21 the revocation of the license conducted in the said premises,  
22 except in cases where the licensee or a member of his immediate  
23 family is not the owner of the premises, in which case the board  
24 may, in its discretion, issue or transfer a license within the  
25 said year. In the event the bureau or the person who was fined  
26 or whose license was suspended or revoked shall feel aggrieved  
27 by the adjudication of the administrative law judge, there shall  
28 be a right to appeal to the board. The appeal shall be based  
29 solely on the record before the administrative law judge. The  
30 board shall affirm the decision of the administrative law judge~~

~~1 if it is based on substantial evidence; otherwise, the board  
2 shall reverse the decision of the administrative law judge. In  
3 the event the bureau or the person who was fined or whose  
4 license was suspended or revoked shall feel aggrieved by the  
5 decision of the board, there shall be a right to appeal to the  
6 court of common pleas in the same manner as herein provided for  
7 appeals from refusals to grant licenses. Each of the appeals  
8 shall act as a supersedeas unless, upon sufficient cause shown,  
9 the reviewing authority shall determine otherwise; however, if  
10 the licensee has been cited and found to have violated section  
11 493(1) insofar as it relates to sales to minors, section 493(10)  
12 insofar as it relates to lewd, immoral or improper entertainment  
13 or section 493(14), (16) or (21), or has been found to be a  
14 public nuisance pursuant to section 611, or if the owner or  
15 operator of the licensed premises or any authorized agent of the  
16 owner or operator has been convicted of any violation of "The  
17 Controlled Substance, Drug, Device and Cosmetic Act," or of 18  
18 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,  
19 its appeal shall not act as a supersedeas unless the reviewing  
20 authority determines otherwise upon sufficient cause shown. In  
21 any hearing on an application for a supersedeas under this  
22 section, the reviewing authority may consider, in addition to  
23 other relevant evidence, documentary evidence, including records  
24 of the bureau, showing the prior history of citations, fines,  
25 suspensions or revocations against the licensee; and the  
26 reviewing authority may also consider, in addition to other  
27 relevant evidence, evidence of any recurrence of the unlawful  
28 activity occurring between the date of the citation which is the  
29 subject of the appeal and the date of the hearing. No penalty  
30 provided by this section shall be imposed for any violations~~

~~provided for in this act unless the bureau notifies the licensee  
of its nature within thirty days of the completion of the  
investigation.~~

~~\* \* \*~~

SECTION 433.1. STADIUM OR ARENA PERMITS.--(A) THE BOARD IS  
HEREBY AUTHORIZED TO ISSUE, IN CITIES OF THE FIRST, SECOND AND  
THIRD CLASS, IN COUNTIES OF THE THIRD CLASS [AND], IN SCHOOL  
DISTRICTS IN COUNTIES OF THE THIRD CLASS AND IN TOWNSHIPS OF THE  
SECOND CLASS IN COUNTIES OF THE FIFTH CLASS, SPECIAL PERMITS  
ALLOWING THE HOLDERS THEREOF TO MAKE RETAIL SALES OF MALT OR  
BREWED BEVERAGES IN SHATTERPROOF CONTAINERS AT ALL EVENTS ON  
PREMISES PRINCIPALLY UTILIZED FOR COMPETITION OF PROFESSIONAL  
AND AMATEUR ATHLETES AND OTHER TYPES OF ENTERTAINMENT HAVING AN  
AVAILABLE SEATING CAPACITY OF; (1) TWELVE THOUSAND OR MORE IN  
CITIES OF THE FIRST AND SECOND CLASS; (2) FOUR THOUSAND OR MORE  
AND OWNED BY THE COUNTY OR THE CITY IN CITIES OF THE THIRD  
CLASS; (3) FOUR THOUSAND TWO HUNDRED OR MORE AND OWNED BY  
COUNTIES OF THE THIRD CLASS; [AND] (4) TWO THOUSAND FIVE HUNDRED  
OR MORE IN SCHOOL DISTRICTS IN COUNTIES OF THE THIRD CLASS; AND  
(5) FIVE THOUSAND OR MORE IN TOWNSHIPS OF THE SECOND CLASS IN  
COUNTIES OF THE FIFTH CLASS: PROVIDED, HOWEVER, THAT IN CITIES  
OF THE SECOND CLASS THIS SECTION SHALL BE APPLICABLE ONLY TO  
PREMISES OWNED, LEASED OR OPERATED BY ANY AUTHORITY CREATED  
UNDER THE ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS THE  
"PUBLIC AUDITORIUM AUTHORITIES LAW." SUCH SALES MAY BE MADE ONLY  
TO ADULTS AND ONLY ON DAYS WHEN THE PREMISES ARE SO USED AND  
ONLY DURING THE PERIOD FROM ONE HOUR BEFORE THE START OF AND  
ENDING ONE-HALF HOUR AFTER THE CLOSE OF THE EVENT ON THE  
PREMISES: PROVIDED, HOWEVER, THAT IN SCHOOL DISTRICTS IN  
COUNTIES OF THE THIRD CLASS SALES MAY BE MADE ONLY DURING

1 PROFESSIONAL ATHLETIC COMPETITION.

2 \* \* \*

3 SECTION 4. SECTION 446(2) OF THE ACT IS AMENDED TO READ:

4 SECTION 446. BREWERIES.--HOLDERS OF A BREWERY LICENSE MAY:

5 \* \* \*

6 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED  
7 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE BOARD MAY  
8 ENFORCE[.]: PROVIDED, HOWEVER, THAT SALES ON SUNDAY MAY BE MADE  
9 IRRESPECTIVE OF THE VOLUME OF FOOD SALES IF THE LICENSED  
10 PREMISES ARE AT A STADIUM OR ARENA LOCATION.

11 \* \* \*

12 Section ~~45~~ 5. Section 472(a) of the act, amended May 31, <—  
13 1996 (P.L.312, No.49), is amended to read:

14 Section 472. Local Option.--(a) In any municipality or any  
15 part of a municipality where such municipality is split so that  
16 each part thereof is separated by another municipality, an  
17 election may be held, subject to subsection (c), on the date of  
18 the primary election immediately preceding any municipal  
19 election, but not oftener than once in four years, to determine  
20 the will of the electors with respect to the granting of liquor  
21 licenses to hotels, restaurants and clubs, not oftener than once  
22 in four years, to determine the will of the electors with  
23 respect to the granting of liquor licenses to privately-owned  
24 private golf courses or to privately-owned public golf courses,  
25 not oftener than once in four years, to determine the will of  
26 the electors with respect to the granting of licenses to retail  
27 dispensers of malt and brewed beverages, not oftener than once  
28 in four years, to determine the will of the electors with  
29 respect to granting of licenses to wholesale distributors and  
30 importing distributors, not more than once in two years, to

1 determine the will of the electors with respect to the granting  
2 of club liquor licenses or club retail dispenser licenses to  
3 incorporated units of national veterans' organizations, not  
4 oftener than once in two years to determine the will of the  
5 electors with respect to the granting of special occasion  
6 permits to qualified organizations, or not more than once in  
7 four years, to determine the will of the electors with respect  
8 to the establishment, operation and maintenance by the board of  
9 Pennsylvania liquor stores, within the limits of such  
10 municipality or part of a split municipality, under the  
11 provisions of this act: Provided, however, Where an election  
12 shall have been held at the primary preceding a municipal  
13 election in any year, another election may be held under the  
14 provisions of this act at the primary occurring the fourth year  
15 after such prior election: And provided further, That an  
16 election on the question of establishing and operating a State  
17 liquor store shall be initiated only in those municipalities, or  
18 that part of a split municipality that shall have voted against  
19 the granting of liquor licenses; and that an election on the  
20 question of granting wholesale distributor and importing  
21 distributor licenses shall be initiated only in those  
22 municipalities or parts of split municipalities that shall have  
23 at a previous election voted against the granting of dispenser's  
24 licenses. Whenever electors equal to at least twenty-five per  
25 centum of the highest vote cast for any office in the  
26 municipality or part of a split municipality at the last  
27 preceding general election shall file a petition with the county  
28 board of elections of the county for a referendum on the  
29 question of granting any of said classes of licenses or the  
30 establishment of Pennsylvania liquor stores, the said county

1 board of elections shall cause a question to be placed on the  
2 ballots or on the voting machine board and submitted at the  
3 primary immediately preceding the municipal election. Separate  
4 petitions must be filed for each question to be voted on. Said  
5 proceedings shall be in the manner and subject to the provisions  
6 of the election laws which relate to the signing, filing and  
7 adjudication of nomination petitions, insofar as such provisions  
8 are applicable.

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

11 Do you favor the granting of liquor licenses  
12 for the sale of liquor in..... Yes  
13 of.....? No

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

17 Do you favor the granting of liquor licenses for  
18 privately-owned private golf courses for the sale  
19 of liquor in.....by..... Yes  
20 of.....? No

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

24 Do you favor the granting of liquor licenses for  
25 privately-owned public golf courses for the sale  
26 of liquor in.....by..... Yes  
27 of.....? No

28 When the question is in respect to the granting of licenses  
29 to retail dispensers of malt and brewed beverages, it shall be  
30 in the following form:

1 Do you favor the granting of malt and brewed  
2 beverage retail dispenser licenses for  
3 consumption on premises where sold in the..... Yes  
4 of.....? No

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

8 Do you favor the granting of malt and brewed  
9 beverage wholesale distributor's and importing  
10 distributor's licenses not for consumption on  
11 premises where sold in the..... Yes  
12 of.....? No

13 When the question is in respect to the granting of club  
14 liquor licenses to incorporated units of national veterans'  
15 organizations, it shall be in the following form:

16 Do you favor the granting of club liquor licenses  
17 to incorporated units of national veterans' organizations  
18 in the..... Yes  
19 of.....? No

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

23 Do you favor the granting of club retail dispenser  
24 licenses to incorporated units of national veterans'  
25 organizations in the..... Yes  
26 of.....? No

27 When the question is in respect to the granting of special  
28 occasion permits to qualified organizations, it shall be in the  
29 following form:

30 Do you favor the granting of special occasion permits



1     to qualified organizations in the..... Yes  
2     of.....? No

3     When the question is in respect to the establishment,  
4     operation and maintenance of Pennsylvania liquor stores it shall  
5     be in the following form:

6     Do you favor the establishment, operation  
7     and maintenance of Pennsylvania liquor  
8     stores in the..... Yes  
9     of.....? No

10    In case of a tie vote, the status quo shall obtain. If a  
11    majority of the voting electors on any such question vote "yes,"  
12    then liquor licenses shall be granted by the board to hotels,  
13    restaurants and clubs, or liquor licenses shall be granted by  
14    the board to privately-owned private golf courses or to  
15    privately-owned public golf courses, or malt and brewed beverage  
16    retail dispenser licenses or wholesale distributor's and  
17    importing distributor's license for the sale of malt or brewed  
18    beverages shall be granted by the board, or club liquor licenses  
19    or club retail dispenser licenses shall be granted by the board  
20    to incorporated units of national veterans' organizations, or  
21    special occasion permits may be issued to qualified  
22    organizations, or the board may establish, operate and maintain  
23    Pennsylvania liquor stores, as the case may be, in such  
24    municipality or part of a split municipality, as provided by  
25    this act; but if a majority of the electors voting on any such  
26    question vote "no," then the board shall have no power to grant  
27    or to renew upon their expiration any licenses of the class so  
28    voted upon in such municipality or part of a split municipality;  
29    or if the negative vote is on the question in respect to the  
30    establishment, operation and maintenance of Pennsylvania liquor

1 stores, the board shall not open and operate a Pennsylvania  
2 liquor store in such municipality or part of a split  
3 municipality, nor continue to operate a then existing  
4 Pennsylvania liquor store in the municipality or part of a split  
5 municipality for more than two years thereafter or after the  
6 expiration of the term of the lease on the premises occupied by  
7 such store, whichever period is less, unless and until at a  
8 later election a majority of the voting electors vote "yes" on  
9 such question.

10 \* \* \*

11 ~~Section 16. Section 492(8) of the act, amended April 29,~~ <—  
12 ~~1994 (P.L.212, No.30), is amended to read:~~

13 ~~Section 492. Unlawful Acts Relative to Malt or Brewed~~  
14 ~~Beverages and Licensees.—~~

15 ~~It shall be unlawful—~~

16 ~~\* \* \*~~

17 ~~(8) Transportation of Malt or Brewed Beverages. For any~~  
18 ~~person, to transport malt or brewed beverages except in the~~  
19 ~~original containers, or to transport malt or brewed beverages~~  
20 ~~for another who is engaged in selling either liquor or malt or~~  
21 ~~brewed beverages, unless such person shall hold (a) a license to~~  
22 ~~transport for hire, alcohol, liquor and malt or brewed~~  
23 ~~beverages, as hereinafter provided in this act, or (b) shall~~  
24 ~~hold a permit issued by the board and shall have paid to the~~  
25 ~~board such permit fee, as prescribed in section 614 A of the act~~  
26 ~~of April 9, 1929 (P.L.177, No.175), known as "The Administrative~~  
27 ~~Code of 1929," [and shall have filed with the board a bond in~~  
28 ~~the penal sum of not more than two thousand dollars (\$2000) for~~  
29 ~~each year of a licensing period, as may be fixed by the rules~~  
30 ~~and regulations of the board,] any other law to the contrary~~

1 notwithstanding.

2 \* \* \*

3 SECTION 6. SECTION 492(1) OF THE ACT IS AMENDED TO READ: <—

4 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED

5 BEVERAGES AND LICENSEES.--

6 IT SHALL BE UNLAWFUL--

7 (1) MANUFACTURING WITHOUT LICENSE. [FOR] EXCEPT AS PROVIDED  
8 HEREIN, FOR ANY PERSON, TO MANUFACTURE MALT OR BREWED BEVERAGES,  
9 UNLESS SUCH PERSON HOLDS A VALID MANUFACTURER'S LICENSE FOR SUCH  
10 PURPOSE ISSUED BY THE BOARD. MALT OR BREWED BEVERAGES MAY BE  
11 PRODUCED BY ANY PERSON WITHOUT A LICENSE, IF SUCH MALT OR BREWED  
12 BEVERAGES ARE PRODUCED NOT FOR SALE AND TOTAL PRODUCTION DOES  
13 NOT EXCEED TWO HUNDRED GALLONS PER CALENDAR YEAR. MALT OR BREWED  
14 BEVERAGES PRODUCED IN ACCORDANCE WITH THIS PARAGRAPH MAY BE USED  
15 AT ORGANIZED AFFAIRS, EXHIBITIONS, COMPETITIONS, CONTESTS,  
16 TASTINGS OR JUDGING, PROVIDED IT IS NOT SOLD OR OFFERED FOR  
17 SALE.

18 \* \* \*

19 Section ~~17~~ 7. Section 493(2) and (10) of the act, amended <—

20 April 29, 1994 (P.L.212, No.30) and May 31, 1996 (P.L.312,

21 No.49), are amended ~~and the section is amended by adding a~~ <—

22 ~~clause~~ to read:

23 Section 493. Unlawful Acts Relative to Liquor, Malt and  
24 Brewed Beverages and Licensees.--The term "licensee," when used  
25 in this section, shall mean those persons licensed under the  
26 provisions of Article IV, unless the context clearly indicates  
27 otherwise.

28 It shall be unlawful--

29 \* \* \*

30 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages

1 on Credit. For any licensee, his agent, servant or employe, to  
2 sell or offer to sell or purchase or receive any liquor or malt  
3 or brewed beverages except for cash, excepting credit extended  
4 by a hotel or club to a bona fide guest or member, or by  
5 railroad or pullman companies in dining, club or buffet cars to  
6 passengers, for consumption while enroute, holding authorized  
7 credit cards issued by railroad or railroad credit bureaus or by  
8 hotel, restaurant, retail dispenser eating place, club and  
9 public service licensees, importing distributors or distributors  
10 to customers not possessing a license under this article and  
11 holding credit cards issued in accordance with regulations of  
12 the board or credit cards issued by banking institutions subject  
13 to State or Federal regulation: Provided further, That nothing  
14 herein contained shall be construed to prohibit the use of  
15 checks or drafts drawn on a bank, banking institution, trust  
16 company or similar depository, organized and existing under the  
17 laws of the United States of America or the laws of any state,  
18 territory or possession thereof, in payment for any liquor or  
19 malt or brewed beverages if the purchaser is the payor of the  
20 check or draft and the licensee is the payee. No right of action  
21 shall exist to collect any claim for credit extended contrary to  
22 the provisions of this clause. Nothing herein contained shall  
23 prohibit a licensee from crediting to a purchaser the actual  
24 price charged for original containers returned by the original  
25 purchaser as a credit on any sale, or from refunding to any  
26 purchaser the amount paid by such purchaser for such containers  
27 or as a deposit on containers when title is retained by the  
28 vendor, if such original containers have been returned to the  
29 licensee. Nothing herein contained shall prohibit a manufacturer  
30 from extending usual and customary credit for liquor or malt or

1 brewed beverages sold to customers or purchasers who live or  
2 maintain places of business outside of the Commonwealth of  
3 Pennsylvania, when the liquor or malt or brewed beverages so  
4 sold are actually transported and delivered to points outside of  
5 the Commonwealth: Provided, however, That as to all transactions  
6 affecting malt or brewed beverages to be resold or consumed  
7 within this Commonwealth, every licensee shall pay and shall  
8 require cash deposits on all returnable original containers and  
9 all such cash deposits shall be refunded upon return of the  
10 original containers.

11 \* \* \*

12 (10) Entertainment on Licensed Premises (Except Clubs);  
13 Permits; Fees. For any licensee, his servants, agents or  
14 employes, except club licensees, to permit in any licensed  
15 premises or in any place operated in connection therewith,  
16 dancing, theatricals or floor shows of any sort, or moving  
17 pictures other than television, or such as are exhibited through  
18 machines operated by patrons by the deposit of coins, which  
19 project pictures on a screen not exceeding in size twenty-four  
20 by thirty inches and which forms part of the machine, unless the  
21 licensee shall first have obtained from the board a special  
22 permit to provide such entertainment, or for any licensee, under  
23 any circumstances, to permit in any licensed premises any lewd,  
24 immoral or improper entertainment, regardless of whether a  
25 permit to provide entertainment has been obtained or not. The  
26 special permit may be used only during the hours when the sale  
27 of liquor or malt or brewed beverages is permitted, and between  
28 eleven o'clock antemeridian on Sunday and two o'clock  
29 antemeridian on the following Monday, regardless of whether the  
30 licensee possesses a Sunday sales permit. The board shall have

1 power to provide for the issue of such special permits, and to  
2 collect an annual fee for such permits as prescribed in section  
3 614-A of the act of April 9, 1929 (P.L.177, No.175), known as  
4 "The Administrative Code of 1929." All such fees shall be paid  
5 into the State Stores Fund. No such permit shall be issued in  
6 any municipality which, by ordinance, prohibits amusements in  
7 licensed places. Any violation of this clause shall, in addition  
8 to the penalty herein provided, subject the licensee to  
9 suspension or revocation of his permit and his license.

10 \* \* \*

11 ~~(29) For any licensee, its servant, agent or employe to~~ <—  
12 ~~engage in or permit any fighting, disorderly conduct or other~~  
13 ~~criminal activity on or in the immediate vicinity of the~~  
14 ~~licensed premises or under the licensee's control, where there~~  
15 ~~exists a causal connection between the activity outside and~~  
16 ~~inside the licensed premises.~~

17 Section 18. Sections 504, 505 and 514 of the act are amended  
18 to read:

19 Section 504. Applications; Filing Fees. (a) Every  
20 applicant for a license under this article shall file with the  
21 board a written application in such form as the board shall from  
22 time to time require. Every such application shall be  
23 accompanied by a filing fee of twenty dollars (\$20), the  
24 prescribed license fee [and the bond hereinafter specified,] and  
25 shall set forth:

26 (1) The legal names of the applicant and of the owner of the  
27 place where business under the license will be carried on, with  
28 their residence addresses by street and number, if a  
29 partnership, of each separate partner, and if a corporation, of  
30 each individual officer thereof.

~~(2) The exact location of said place of business and of every place to be occupied or used in connection with such business, the productive capacity of each plant where any alcohol or liquor is to be manufactured, produced, distilled, rectified, blended, developed or used in the process of manufacture, denatured, redistilled, recovered, reused, the capacity of every warehouse or other place where such alcohol or liquor or malt or brewed beverage is to be held in bond or stored for hire or the equipment to be used where a transportation business is to be carried on under the license.~~

~~(3) That each and every one of the applicants is a citizen of the United States of America.~~

~~(4) Such other relevant information as the board shall from time to time require by rule or regulation.~~

~~(b) Each application must be verified by affidavit of the applicant made before any officer legally qualified to administer oaths, and if any false statement is wilfully made in any part of said application, the applicant or applicants shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.~~

~~Section 505. Licenses Issued. Upon receipt of the application in the form herein provided[, ] and the proper fees [and an approved bond as herein designated], the board may grant to such applicant a license to engage in, (a) the operation of a limited winery or a winery; or, (b) the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending and reusing of alcohol and liquor; or, (c) the holding in bond of alcohol and liquor; or, (d) the holding in storage, as bailee for hire, of alcohol, liquor and malt or brewed~~

~~beverages; or, (c) the transporting for hire of alcohol, liquor and malt or brewed beverages.~~

~~Section 514. Suspension and Revocation of Licenses. (a) Upon learning of any violation of this act or of any rule or regulation promulgated by the board under the authority of this act, or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of alcohol, liquor or malt or brewed beverages by the holder of a license issued under the provisions of this article, or upon other sufficient cause, the enforcement bureau may, within one year from the date of such violation or cause appearing, cite such licensee to appear before an administrative law judge not less than ten (10) nor more than sixty (60) days from the date of sending such licensee, by registered mail, a notice addressed to his licensed premises, to show cause why the license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. And 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 such license, notifying the licensee thereof by registered letter addressed to his licensed premises, or to the address given in his application where no licensed premises is maintained in Pennsylvania.~~

~~(b) [When a license is revoked, the licensee's bond may be forfeited.] Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act relating to alcohol, liquor or malt or brewed beverages until the expiration of three (3) years from the date such license was revoked. In the event of a revocation, no license~~



1 ~~shall be granted for the premises or transferred to the premises~~  
2 ~~in which said license was conducted for a period of at least one~~  
3 ~~(1) year after the date of the revocation of the license~~  
4 ~~conducted in the said premises, except in cases where the~~  
5 ~~licensee or a member of his immediate family is not the owner of~~  
6 ~~the premises, in which case the board may, in its discretion,~~  
7 ~~issue or transfer a license within said year. Such hearing~~  
8 ~~before and adjudication by an administrative law judge shall be~~  
9 ~~in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to~~  
10 ~~practice and procedure of Commonwealth agencies).~~

11 ~~Section 19. Section 517 of the act, amended April 29, 1994~~  
12 ~~(P.L.212, No.30), is amended to read:~~

13 ~~Section 517. Expiration of Licenses; Renewals. All licenses~~  
14 ~~issued under this article shall expire at the close of the~~  
15 ~~license period, but new licenses for the succeeding license~~  
16 ~~period shall be issued upon written application therefor, duly~~  
17 ~~verified by affidavit, stating that the facts in the original~~  
18 ~~application are unchanged, and upon payment of the fee as~~  
19 ~~hereinafter provided [and the furnishing of a new bond], without~~  
20 ~~the filing of further statements or the furnishing of any~~  
21 ~~further information unless specifically requested by the board.~~  
22 ~~Provided, however, That any such license issued to a corporation~~  
23 ~~shall expire thirty (30) days after any change in the officers~~  
24 ~~of such corporation, unless the name and address of each such~~  
25 ~~new officer of such corporation shall, within that period, be~~  
26 ~~reported to the board by certificate, duly verified.~~  
27 ~~Applications for renewals must be made not less than thirty (30)~~  
28 ~~nor more than sixty (60) days before the expiration of the~~  
29 ~~license period. All applications for renewal received otherwise~~  
30 ~~shall be treated as original applications. between the activity~~

1 ~~outside and inside the licensed premises.~~

2 Section 20 8. Section 611(b) of the act is amended to read: <—

3 Section 611. Nuisances; Actions To Enjoin.--\* \* \*

4 (b) An action to enjoin any nuisance defined in this act may  
5 be brought in the name of the Commonwealth of Pennsylvania by  
6 the Attorney General, by the Pennsylvania State Police, through  
7 its Bureau of Liquor Control Enforcement, by the municipality  
8 wherein the establishment is located, by the district attorney  
9 of the proper county or by a person who resides or has a place  
10 of business within five hundred feet of the location of the  
11 alleged nuisance. Such action shall be brought and tried as an  
12 action in equity and may be brought in any court having  
13 jurisdiction to hear and determine equity cases within the  
14 county in which the offense occurs. If it is made to appear, by  
15 affidavit or otherwise, to the satisfaction of the court that  
16 such nuisance exists, a temporary writ of injunction shall  
17 forthwith issue, restraining the defendant from conducting or  
18 permitting the continuance of such nuisance until the conclusion  
19 of the proceedings. If a temporary injunction is prayed for, the  
20 court may issue an order restraining the defendant and all other  
21 persons from removing or in any way interfering with the  
22 liquids, beverages or other things used in connection with the  
23 violation of this act constituting such nuisance. No bond shall  
24 be required in instituting such proceedings brought in the name  
25 of the Commonwealth by the Attorney General, THE PENNSYLVANIA <—  
26 STATE POLICE THROUGH ITS BUREAU OF LIQUOR CONTROL ENFORCEMENT,  
27 THE MUNICIPALITY WHERE THE ESTABLISHMENT IS LOCATED or the  
28 district attorney OF THE PROPER COUNTY. Where such proceedings <—  
29 are brought by a person, the court, upon application of the  
30 defendant and prior to any injunction being issued, may direct

1 the plaintiff to post bond in such amount as the court may find  
2 to be reasonable and sufficient. It shall not be necessary for  
3 the court to find the property involved was being unlawfully  
4 used, as aforesaid, at the time of the hearing, but on finding  
5 that the material allegations of the petition are true, the  
6 court shall order that no liquor, alcohol or malt or brewed  
7 beverage shall be manufactured, sold, offered for sale,  
8 transported, bartered or furnished, or stored in bond, or stored  
9 for hire in such room, house, building, structure, boat,  
10 vehicle, or place, or any part thereof.

11 \* \* \*

12 ~~Section 21. It is the intent of the amendment of section 472 <—~~  
13 ~~of the act that special occasion permits may continue to be~~  
14 ~~issued in any municipality or any part of a municipality where~~  
15 ~~such municipality is split so that each part thereof is~~  
16 ~~separated by another municipality if the issuance of special~~  
17 ~~occasion permits was permitted in such municipality or part of~~  
18 ~~such split municipality on the effective date of this amendatory~~  
19 ~~act unless the voters of that municipality or part of that split~~  
20 ~~municipality vote to disapprove the issuance of special occasion~~  
21 ~~permits in accordance with the referendum procedure of that~~  
22 ~~section.~~

23 Section 22 9. This act shall take effect immediately. <—