

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2206 Session of
2008

INTRODUCED BY RAYMOND, DONATUCCI, BARRAR, BELFANTI, FABRIZIO,
HALUSKA, HARKINS, KILLION, KOTIK, MAHONEY, MYERS, PETRONE,
SEIP, SOLOBAY, YUDICHAK, PASHINSKI, KORTZ, CARROLL, SIPTROTH,
SONNEY, THOMAS AND J. EVANS, JANUARY 28, 2008

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 10, 2008

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 providing for expanded restaurant licenses, fees, privileges
18 and restrictions; PROVIDING FOR LIMITATION OF CERTAIN PRIZES; <—
19 and further providing for revocation and suspension of
20 licenses and fees and for premises to be vacated by patrons.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
24 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
25 No.14), is amended by adding ~~a section~~ SECTIONS to read: <—

1 Section 415. Expanded Restaurant Licenses; Fees; Privileges;
2 Restrictions.--(a) Notwithstanding any other provision of this
3 article to the contrary, a holder of a restaurant license that
4 is also approved to hold a slot machine license or conditional
5 slot machine license pursuant to 4 Pa.C.S. Pt. II (relating to
6 gaming) or is an affiliate, intermediary, subsidiary, holding
7 company or otherwise under common ownership with a person
8 approved to hold a slot machine license or conditional slot
9 machine license, may, in its discretion, convert its restaurant
10 license to an expanded restaurant license by registering with
11 the board as an expanded restaurant licensee and upon payment to
12 the board of a conversion fee in the amount of one hundred
13 twenty-five thousand dollars (\$125,000).

14 (b) Expanded restaurant licensees shall pay an annual
15 license fee to the board in the amount of fifteen thousand
16 dollars (\$15,000). If the annual fee is not timely paid, the
17 expanded restaurant license shall ~~expire~~ BE SUSPENDED until such <—
18 time as the annual fee is paid.

19 (c) Notwithstanding any other provision of this article to
20 the contrary, a holder of an expanded restaurant license may
21 sell or serve liquor and malt or brewed beverages after ten
22 o'clock antemeridian of any day until five o'clock antemeridian
23 of the following day.

24 (d) In addition to the provisions of section 493(24)(ii),
25 expanded restaurant licensees may give liquor and malt or brewed
26 ~~beverage~~ BEVERAGES free of charge to any person attending an <—
27 invitation only event held anywhere on the premises of the
28 licensed facility, as that term is defined in 4 Pa.C.S. § 1103
29 (relating to definitions).

30 (e) Notwithstanding the provisions of section 404, an

1 expanded restaurant license may not be transferred to a new
2 location. Provided, however, that nothing in this subsection
3 shall preclude a transfer of ownership of an expanded restaurant
4 license to another person eligible for an expanded restaurant
5 license under subsection (a) to be used at the same licensed
6 premises.

7 (f) If the holder of an expanded restaurant license has been
8 cited and found to have violated section 493(1) insofar as it
9 relates to sales to minors or sales to a visibly intoxicated
10 person, section 493(10) insofar as it relates to lewd, immoral
11 or improper entertainment or section 493(14), (16) or (21), or
12 has been found to be a public nuisance pursuant to section 611,
13 or if the owner or operator of the licensed premises or any
14 authorized agent of the owner or operator has been convicted of
15 any violation of the act of April 14, 1972 (P.L.233, No.64),
16 known as "The Controlled Substance, Drug, Device and Cosmetic
17 Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and
18 related offenses) or 6301 (relating to corruption of minors), at
19 or relating to the licensed premises, the administrative law
20 judge may either suspend or revoke the license, or impose a fine
21 of not less than ~~two thousand dollars (\$2,000)~~ FIVE THOUSAND <—
22 DOLLARS (\$5,000) nor more than ~~ten thousand dollars (\$10,000)~~ <—
23 TWENTY THOUSAND DOLLARS (\$20,000), but not both. As to other <—
24 violations by the holder of an expanded restaurant license, the
25 administrative law judge may either suspend or revoke the
26 license, or impose a fine of not less than one hundred dollars
27 (\$100) nor more than five thousand dollars (\$5,000), but not
28 both. For the violations referenced in this subsection for
29 holders of expanded restaurant licenses, the penalties provided
30 for in this subsection supersede the penalties provided for in

1 section 471(b).

2 (g) Except as otherwise specifically provided, the
3 provisions of this article relating to restaurant licenses shall
4 be applicable to expanded restaurant licenses and the sales of
5 liquor and malt or brewed beverages by expanded restaurant
6 licensees shall be made in accordance with and subject to the
7 provisions of this article relating to the sale of liquors by
8 restaurant licensees.

9 SECTION 415.1. LIMITATION OF PRIZES.--NOTHING IN THIS ACT OR <—
10 IN ANY REGULATION RELATING TO THE LIMITATION OF PRIZES FOR ANY
11 GIVEN EVENT, TOURNAMENT OR CONTEST SPONSORED OR HELD ON THE
12 PREMISES OF A LICENSEE SHALL APPLY TO A LICENSEE THAT IS ALSO
13 LICENSED UNDER 4 PA.C.S. PT. II (RELATING TO GAMING).

14 Section 2. Section 471(c) of the act, amended February 21,
15 2002 (P.L.103, No.10) and December 9, 2002 (P.L.1653, No.212),
16 is amended to read:

17 Section 471. Revocation and Suspension of Licenses; Fines.--
18 * * *

19 (c) The administrative law judge may consider the licensee's
20 prior citation history when imposing a penalty. [If] Except
21 where the licensee is an expanded restaurant licensee, if the
22 violation in question is a third or subsequent violation of any
23 offense referred to in subsection (b) or Title 18 of the
24 Pennsylvania Consolidated Statutes (relating to crimes and
25 offenses), occurring within a period of four years, the
26 administrative law judge shall impose a suspension or
27 revocation.

28 * * *

29 Section 3. Section 499(d) of the act, amended February 21,
30 2002 (P.L.103, No.10), is amended to read:

1 Section 499. Premises to be Vacated by Patrons.--* * *

2 (d) This section shall not apply to holders of public
3 service licenses and expanded restaurant licenses.

4 * * *

5 Section 4. This act shall take effect in 60 days.