

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1273 Session of 2015

INTRODUCED BY PETRI, BARRAR, GIBBONS, GODSHALL, LONGIETTI, MILLARD, PICKETT, SANKEY, SCHREIBER, SONNEY, STAATS, THOMAS, A. HARRIS, SAYLOR, D. COSTA, COHEN, ZIMMERMAN, SCHWEYER, DeLUCA, TAYLOR AND FARRY, JUNE 2, 2015

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 30, 2015

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," IN <--
17 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR THE DEFINITIONS
18 OF "ASSOCIATION" AND "PERSON"; AND, in licenses and
19 regulations and liquor, alcohol and malt and brewed
20 beverages, further providing for APPLICATIONS FOR HOTEL, <--
21 RESTAURANT AND CLUB LIQUOR LICENSES AND FOR sales by liquor
22 licensees and restrictions.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 ~~Section 1. Section 406(a) of the act of April 12, 1951~~ <--
26 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~

1 ~~June 29, 1987 (P.L.32, No.14), is amended by adding a paragraph~~  
2 ~~to read:~~

3 SECTION 1. THE DEFINITIONS OF "ASSOCIATION" AND "PERSON" IN <--  
4 SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN  
5 AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32,  
6 NO.14), ARE AMENDED TO READ:

7 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,  
8 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE  
9 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

10 \* \* \*

11 "ASSOCIATION" SHALL MEAN A PARTNERSHIP, LIMITED PARTNERSHIP  
12 OR ANY FORM OF UNINCORPORATED ENTERPRISE OWNED OR OPERATED BY  
13 TWO OR MORE PERSONS. THE TERM INCLUDES A BUSINESS OPERATED BY AN  
14 OWNER OR MANAGEMENT COMPANY.

15 \* \* \*

16 "PERSON" SHALL MEAN A NATURAL PERSON, ASSOCIATION, MANAGEMENT  
17 COMPANY OR CORPORATION. WHENEVER USED IN A CLAUSE PRESCRIBING OR  
18 IMPOSING A FINE OR IMPRISONMENT OR BOTH, THE TERM "PERSON", AS  
19 APPLIED TO "ASSOCIATION", SHALL MEAN THE PARTNERS OR MEMBERS  
20 THEREOF, AND AS APPLIED TO "CORPORATION", SHALL MEAN THE  
21 OFFICERS THEREOF, EXCEPT, AS TO INCORPORATED CLUBS, THE TERM  
22 "PERSON" SHALL MEAN SUCH INDIVIDUAL OR INDIVIDUALS WHO, UNDER  
23 THE BY-LAWS OF SUCH CLUB, SHALL HAVE JURISDICTION OVER THE  
24 POSSESSION AND SALE OF LIQUOR THEREIN.

25 \* \* \*

26 SECTION 2. SECTION 403(E) OF THE ACT IS AMENDED TO READ:

27 SECTION 403. APPLICATIONS FOR HOTEL, RESTAURANT AND CLUB  
28 LIQUOR LICENSES.--\* \* \*

29 (E) IF THE APPLICANT IS AN ASSOCIATION, THE APPLICATION  
30 SHALL SET FORTH THE NAMES AND ADDRESSES OF THE PERSONS

1 CONSTITUTING THE ASSOCIATION, AND IF A CORPORATION, THE NAMES  
2 AND ADDRESSES OF THE PRINCIPAL OFFICERS THEREOF. EVERY CLUB  
3 APPLICANT SHALL FILE WITH AND AS A PART OF ITS APPLICATION A  
4 LIST OF THE NAMES AND ADDRESSES OF ITS MEMBERS, DIRECTORS,  
5 OFFICERS, AGENTS AND EMPLOYEES, TOGETHER WITH THE DATES OF THEIR  
6 ADMISSION, ELECTION OR EMPLOYMENT, AND SUCH OTHER INFORMATION  
7 WITH RESPECT TO ITS AFFAIRS AS THE BOARD SHALL REQUIRE.  
8 NOTWITHSTANDING THE PROVISIONS OF 40 PA. CODE § 7.2 (RELATING TO  
9 TRANSFERS OF OWNERSHIP), A LICENSE MAY BE ISSUED TO A HOTEL  
10 MANAGEMENT COMPANY, AND A MANAGEMENT AGREEMENT SHALL BE ACCEPTED  
11 IN LIEU OF A DEED OR LEASE FOR THE LICENSED PREMISES.  
12 NOTWITHSTANDING ANY OTHER PROVISION UNDER THIS ACT, IF A LICENSE  
13 IS ISSUED TO A HOTEL MANAGEMENT COMPANY AND THE OWNER HAS BEEN  
14 DISCLOSED TO THE BOARD, THERE SHALL BE NO UNLAWFUL PECUNIARY  
15 INTEREST ON THE PART OF THE OWNER AS THE RESULT OF THE OWNER  
16 POSSESSING AN INTEREST IN THE LICENSED BUSINESS. UPON  
17 APPLICATION SUBMITTED BY A HOTEL OWNER, THE BOARD MAY ISSUE A  
18 LICENSE SOLELY TO A HOTEL OWNER, IN WHICH CASE THERE SHALL BE NO  
19 UNLAWFUL INTEREST ON THE PART OF THE MANAGEMENT COMPANY SHOULD  
20 THE MANAGEMENT COMPANY POSSESS AN INTEREST IN THE LICENSED  
21 BUSINESS, IF THE MANAGEMENT COMPANY HAS BEEN DISCLOSED TO THE  
22 BOARD.

23 \* \* \*

24 SECTION 3. SECTION 406(A) OF THE ACT IS AMENDED BY ADDING A  
25 PARAGRAPH TO READ:

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

27 \* \* \*

28 (7) (i) Notwithstanding any provision of this act to the  
29 contrary, the act by a bed and breakfast homestead or inn of  
30 providing one bottle of a PA Preferred alcoholic product to its

1 paying guests at check-in while in an overnight status shall not  
2 be construed as the direct or indirect sale of alcohol so long  
3 as that wine is produced by a licensed limited winery as  
4 provided for under section 505.2.

5 (ii) For purposes of this paragraph, a "bed and breakfast  
6 homestead or inn" shall mean a private residence that contains  
7 ten or fewer bedrooms used for providing overnight  
8 accommodations to the public and in which breakfast is the only  
9 meal served and is included in the charge for the room.

10 \* \* \*

11 Section 2 4. This act shall take effect immediately.

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