

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2577 Session of 2020

INTRODUCED BY PYLE, TOPPER, JONES, M. K. KELLER, RYAN, ROTHMAN, BARRAR, MARSHALL, JAMES, MILLARD, DUNBAR, TOMLINSON, BERNSTINE, KORTZ, SCHMITT, DOWLING, WHEELAND, STAATS, MENTZER, MOUL, KEEFER, JOZWIAK, LONGIETTI, MASSER AND TOOHL, JUNE 8, 2020

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 8, 2020

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An  
 2 act relating to alcoholic liquors, alcohol and malt and  
 3 brewed beverages; amending, revising, consolidating and  
 4 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 general provisions applying to both liquor and malt and  
 18 brewed beverages, further providing for renewal of licenses  
 19 and temporary provisions for licensees in armed service.

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

22 Section 1. Section 470(a) of the act of April 12, 1951  
 23 (P.L.90, No.21), known as the Liquor Code, is amended to read:

24 Section 470. Renewal of Licenses; Temporary Provisions for  
 25 Licensees in Armed Service.--(a) All applications for

1 validation or renewal of licenses under the provisions of this  
2 article shall be filed with tax clearance from the Department of  
3 Revenue and the Department of Labor and Industry and requisite  
4 license and filing fees, and shall include an application  
5 surcharge of [seven hundred dollars (\$700.00)] three hundred  
6 fifty dollars (\$350.00), at least sixty days before the  
7 expiration date of same: Provided, however, That the board, in  
8 its discretion, may accept nunc pro tunc a renewal application  
9 filed less than sixty days before the expiration date of the  
10 license with the required fees, upon reasonable cause shown and  
11 the payment of an additional filing fee of one hundred dollars  
12 (\$100.00) for late filing: And provided further, That except  
13 where the failure to file a renewal application on or before the  
14 expiration date has created a license quota vacancy after said  
15 expiration date which has been filled by the issuance of a new  
16 license, after such expiration date, but before the board has  
17 received a renewal application nunc pro tunc within the time  
18 prescribed herein the board, in its discretion, may, after  
19 hearing, accept a renewal application filed within two years  
20 after the expiration date of the license with the required fees  
21 upon the payment of an additional filing fee of two hundred  
22 fifty dollars (\$250.00) for late filing. Where any such renewal  
23 application is filed less than sixty days before the expiration  
24 date, or subsequent to the expiration date, no license shall  
25 issue upon the filing of the renewal application until the  
26 matter is finally determined by the board and if an appeal is  
27 taken from the board's action the courts shall not order the  
28 issuance of the renewal license until final determination of the  
29 matter by the courts. The board may enter into an agreement with  
30 the applicant concerning additional restrictions on the license

1 in question. If the board and the applicant enter into such an  
2 agreement, such agreement shall be binding on the applicant.  
3 Failure by the applicant to adhere to the agreement will be  
4 sufficient cause to form the basis for a citation under section  
5 471 and for the nonrenewal of the license under this section. A  
6 renewal application will not be considered filed unless  
7 accompanied by the requisite filing and license fees and any  
8 additional filing fee required by this section. Notwithstanding  
9 any other provision of this act, a licensee shall be exempt from  
10 the requisite filing and license fees and any additional filing  
11 fee for a renewal application under this section for a period of  
12 one year if the licensee is unable to serve liquor, alcohol or  
13 malt or brewed beverages for on-premises consumption for a  
14 period of six months prior to the expiration date of the license  
15 due to the Governor's 20200319 TWW COVID-19 Business Closure  
16 Order. Unless the board shall have given ten days' previous  
17 notice to the applicant of objections to the renewal of his  
18 license, based upon violation by the licensee or his servants,  
19 agents or employes of any of the laws of the Commonwealth or  
20 regulations of the board relating to the manufacture,  
21 transportation, use, storage, importation, possession or sale of  
22 liquors, alcohol or malt or brewed beverages, or the conduct of  
23 a licensed establishment, or unless the applicant has by his own  
24 act become a person of ill repute, or unless the premises do not  
25 meet the requirements of this act or the regulations of the  
26 board, the license of a licensee shall be renewed.  
27 Notwithstanding any other provision of this act, a noise  
28 violation shall not be the sole basis for objection by the board  
29 to the renewal of a license unless the licensee has received six  
30 prior adjudicated noise citations within a twenty-four-month

1 period.

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3 Section 2. This act shall take effect immediately.