

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 223

Session of
1983

INTRODUCED BY FEE, HASAY, LEHR, DUFFY, ALDERETTE AND LESCOVITZ,
FEBRUARY 15, 1983

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 15, 1983

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,"
17 providing for the waiver of certain late filing fees by the
18 board; and further providing for the surrender of club
19 licenses.

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, amended August 1,
24 1969 (P.L.219, No.87), is amended to read:

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

1 of licenses under the provisions of this article shall be filed
2 with a new bond, requisite license and filing fees at least
3 sixty days before the expiration date of same: Provided,
4 however, That the board, in its discretion, may accept a renewal
5 application filed less than sixty days before the expiration
6 date of the license with the required bond and fees, upon
7 reasonable cause shown and the payment of an additional filing
8 fee of one hundred dollars (\$100.00) for late filing, which
9 additional fee may be waived by the board upon showing of
10 extreme and extenuating circumstances: And provided further,
11 That except where the failure to file a renewal application or
12 before the expiration date has created a license quota vacancy
13 after said expiration date which has been filled by the issuance
14 of a new license, after such expiration date, but before the
15 board has received a renewal application within the time
16 prescribed herein the board, in its discretion, may, after
17 hearing, accept a renewal application filed within ten months
18 after the expiration date of the license with the required bond
19 and fees upon the payment of an additional filing fee of two
20 hundred fifty dollars (\$250.00) for late filing. Where any such
21 renewal application is filed less than sixty days before the
22 expiration date, or subsequent to the expiration date, no
23 license shall issue upon the filing of the renewal application
24 until the matter is finally determined by the board and if an
25 appeal is taken from the board's action the courts shall not
26 order the issuance of the renewal license until final
27 determination of the matter by the courts. A renewal application
28 will not be considered filed unless accompanied by a new bond
29 and the requisite filing and license fees and any additional
30 filing fee required by this section. Unless the board shall have

1 given ten days' previous notice to the applicant of objections
2 to the renewal of his license, based upon violation by the
3 licensee or his servants, agents or employes of any of the laws
4 of the Commonwealth or regulations of the board relating to the
5 manufacture, transportation, use, storage, importation,
6 possession or sale of liquors, alcohol or malt or brewed
7 beverages, or the conduct of a licensed establishment, or unless
8 the applicant has by his own act become a person of ill repute,
9 or unless the premises do not meet the requirements of this act
10 or the regulations of the board, the license of a licensee shall
11 be renewed.

12 * * *

13 Section 2. Section 474 of the act, added July 20, 1968
14 (P.L.429, No.201), is amended to read:

15 Section 474. Surrender of Club Licenses for Benefit of
16 Licensees.--[Whenever a club license has been returned to the
17 board for the benefit of the licensee due to the licensed
18 establishment not having been in operation for any reason
19 whatsoever for a period of time not exceeding fifteen days, the
20 license shall be held by the board for the benefit of the
21 licensee for a period of time not exceeding one year, or, upon
22 proper application to the board, for an additional year, and the
23 license shall be revoked at the termination of the period, and
24 transfer of the license shall not be permitted after the
25 termination of the period.]

26 (a) Any club licensee whose licensed establishment is not in
27 operation for a period of fifteen consecutive days for any
28 reason shall return its license and, if a liquor license, its
29 wholesale purchase permit card, to the board not later than the
30 expiration of the fifteen-day period. The return of such license

1 and card will not invalidate the license, which will be held for
2 the benefit of the licensee and be available for its use when
3 operations are resumed at the licensed premises, or for
4 transfer.

5 (b) Where the club license is returned because the licensee
6 no longer has a lease for the licensed premises, or removes
7 therefrom, or is dispossessed by legal process, the license will
8 be invalidated as to the premises for which issued but will not
9 be invalidated generally nor cancelled, and will be held for the
10 benefit of the licensee for transfer only.

11 (c) Where the club license and wholesale liquor purchase
12 permit card are not surrendered and returned voluntarily by the
13 licensee, enforcement officers of the board will lift and return
14 such license and card to the board.

15 (d) No club license surrendered to the board, nor any
16 renewal thereof in possession of the board, will be held for the
17 benefit of the licensee for a period exceeding one year from the
18 date of surrender, except where, in the opinion of the board,
19 circumstances beyond the control of the licensee prevent
20 reactivation. The board shall reconsider the revocation of any
21 such club license during the period from January 1, 1977 through
22 July 1, 1983 to ascertain if circumstances beyond the control of
23 the licensee prevented timely reactivation of the license. No
24 such licensee whose license was revoked during the aforesaid
25 period shall be eligible for reconsideration after one year
26 after the effective date of this amendatory act. Failure of the
27 licensee to lift the license and resume operation of the
28 licensed business or to effect a transfer of the license within
29 the one-year period may be sufficient cause for revocation of
30 the license if timely reactivation was not due to circumstances

1 beyond the control of the licensee.

2 (e) In the case of any club license which is reactivated
3 under this section, the board shall determine no sooner than
4 eighteen months after such reactivation, and no later than
5 twenty-four months after reactivation, that the club has
6 actually resumed operation and is functioning in fact as a club
7 as defined in section 102. If the board finds that the club is
8 not so functioning, the license shall be immediately revoked.

9 Section 3. This act shall take effect in 60 days.