
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1640 Session of
 1983

INTRODUCED BY TRUMAN, WILLIAMS, PRESTON, OLIVER, CARN,
 RICHARDSON, JAROLIN, WIGGINS, BARBER, AFFLERBACH, EVANS,
 McMONAGLE, RIEGER, FATTAH, KOSINSKI, DEAL, LINTON, SCHEETZ
 AND PRATT, OCTOBER 26, 1983

REFERRED TO COMMITTEE ON LIQUOR CONTROL, OCTOBER 26, 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 further providing penalties, revocations and suspensions for
 18 violations relating to minors; and making editorial changes.

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

21 Section 1. Section 471 of the act of April 12, 1951 (P.L.90,
 22 No.21), known as the Liquor Code, amended January 13, 1966 (1965
 23 P.L.1301, No.518) and repealed in part June 3, 1971 (P.L.118,
 24 No.6), is amended to read:

25 Section 471. Revocation and Suspension of Licenses; Fines.--

1 (a) Upon learning of any violation of this act or any laws of
2 this Commonwealth relating to liquor, alcohol or malt or brewed
3 beverages, or of any regulations of the board adopted pursuant
4 to such laws, of any violation of any laws of this Commonwealth
5 or of the United States of America relating to the tax-payment
6 of liquor or malt or brewed beverages by any licensee within the
7 scope of this article, his officers, servants, agents or
8 employes, or upon any other sufficient cause shown, the board
9 may, within one year from the date of such violation or cause
10 appearing, cite such licensee to appear before it or its
11 examiner, not less than ten nor more than sixty days from the
12 date of sending such licensee, by registered mail, a notice
13 addressed to him at his licensed premises, to show cause why
14 such license should not be suspended or revoked or a fine
15 imposed. Hearings on such citations shall be held in the same
16 manner as provided herein for hearings on applications for
17 license.

18 (b) Upon such hearing, if satisfied that any such violation
19 has occurred or for other sufficient cause, the board shall
20 immediately suspend or revoke the license, or impose a fine of
21 not less than fifty dollars (\$50) nor more than one thousand
22 dollars (\$1,000), notifying the licensee by registered letter
23 addressed to his licensed premises. In the event the fine is not
24 paid within twenty days of the order the board shall suspend or
25 revoke the license, notifying the licensee by registered mail
26 addressed to his licensed premises. Suspensions and revocations
27 shall not go into effect until twenty days have elapsed from the
28 date of notice of issuance of the board's order, during which
29 time the licensee may take an appeal as provided for in this
30 act. When a license is revoked, the licensee's bond may be

1 forfeited by the board. Any licensee whose license is revoked
2 shall be ineligible to have a license under this act until the
3 expiration of three years from the date such license was
4 revoked. In the event the board shall revoke a license, no
5 license shall be granted for the premises or transferred to the
6 premises in which the said license was conducted for a period of
7 at least one year after the date of the revocation of the
8 license conducted in the said premises, except in cases where
9 the licensee or a member of his immediate family is not the
10 owner of the premises, in which case the board may, in its
11 discretion, issue or transfer a license within the said year. In
12 all such cases, the board shall file of record at least a brief
13 statement in the form of an opinion of the reasons for the
14 ruling or order.

15 (c) In the event the person who was fined or whose license
16 was suspended or revoked by the board shall feel aggrieved by
17 the action of the board, he shall have the right to appeal to
18 the court of [quarter sessions or the county court of Allegheny
19 County] common pleas in the same manner as herein provided for
20 appeals from refusals to grant licenses. Upon appeal, the court
21 so appealed to shall, in the exercise of its discretion,
22 sustain, reject, alter or modify the findings, conclusions and
23 penalties of the board, based on the findings of fact and
24 conclusions of law as found by the court. The aforesaid appeal
25 shall act as a supersedeas unless upon sufficient cause shown
26 the court shall determine otherwise.

27 (d) No penalty provided by this section shall be imposed by
28 the board or any court for any violations provided for in this
29 act unless the enforcement officer or the board notifies the
30 licensee of its nature and of the date of the alleged violation

1 within ten days of the completion of the investigation which in
2 no event shall exceed ninety days.

3 (e) If the violation in question is a third or subsequent
4 violation of this act or [the act of June 24, 1939 (P.L.872),
5 known as "The Penal Code,"] Title 18 of the Pennsylvania
6 Consolidated Statutes (relating to crimes and offenses)
7 occurring within a period of four years the board shall impose a
8 suspension or revocation.

9 [The jurisdiction of the county court of Allegheny County
10 conferred hereby shall be exclusive within the territorial
11 limits of its jurisdiction.]

12 (f) If any licensee, or any agent or employe of such
13 licensee, intentionally or knowingly commits or conspires to
14 commit or is an accomplice in, or intentionally or knowingly
15 permits other persons to commit on the licensed premises any act
16 prohibited by section 493(1) of this act, the licensee shall be
17 subject to the following penalties in addition to any penalty
18 otherwise provided by this act or other applicable law:

19 (1) Upon the first violation of this section, the license
20 shall be suspended for a period of thirty days.

21 (2) Upon the second violation of this section occurring
22 within five years of the first violation, the license shall be
23 revoked.

24 (g) In order to sustain a citation under this section it
25 shall not be necessary to show that any person has been charged,
26 convicted or sentenced under the criminal laws of the
27 Commonwealth.

28 (h) Where any license has been transferred from one person
29 to another after the previous license for the same premises has
30 been suspended under subsection (f)(1), the provisions of

1 subsection (f)(2) shall apply to such new license regardless of
2 such transfer.

3 (i) Where any license has been transferred from one premises
4 to another premises after such license has been suspended under
5 subsection (f)(1), the provisions of subsection (f)(2) shall
6 apply to such license regardless of such transfer.

7 (j) The board shall not approve the transfer of any license
8 revoked under this section at any time within two years
9 following such revocation.

10 Section 2. This act shall take effect in 60 days.