

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1825 Session of
1985

INTRODUCED BY CAPPABIANCA, SALOOM, DOMBROWSKI, TIGUE, CAWLEY AND
JAROLIN, OCTOBER 22, 1985

REFERRED TO COMMITTEE ON LIQUOR CONTROL, OCTOBER 22, 1985

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 for the surrender of club licenses.

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

20 Section 1. Section 474 of the act of April 12, 1951 (P.L.90,
21 No.21), known as the Liquor Code, added July 20, 1968 (P.L.429,
22 No.201), is amended to read:

23 Section 474. Surrender of Club Licenses for Benefit of
24 Licensees.--[Whenever a club license has been returned to the
25 board for the benefit of the licensee due to the licensed

1 establishment not having been in operation for any reason
2 whatsoever for a period of time not exceeding fifteen days, the
3 license shall be held by the board for the benefit of the
4 licensee for a period of time not exceeding one year, or, upon
5 proper application to the board, for an additional year, and the
6 license shall be revoked at the termination of the period, and
7 transfer of the license shall not be permitted after the
8 termination of the period.] (a) Any club licensee whose
9 licensed establishment is not in operation for a period of
10 fifteen consecutive days for any reason shall return its license
11 and, if a liquor license, its wholesale purchase permit card, to
12 the board not later than the expiration of the fifteen-day
13 period. The return of such license and card will not invalidate
14 the license, which will be held for the benefit of the licensee
15 and be available for its use when operations are resumed at the
16 licensed premises, or for transfer.

17 (b) Where the club license is returned because the licensee
18 no longer has a lease for the licensed premises, or removes
19 therefrom, or is dispossessed by legal process, the license will
20 be invalidated as to the premises for which issued but will not
21 be invalidated generally nor canceled, and will be held for the
22 benefit of the licensee for transfer only.

23 (c) Where the club license and wholesale liquor purchase
24 permit card are not surrendered and returned voluntarily by the
25 licensee, enforcement officers of the board will lift and return
26 such license and card to the board.

27 (d) No club license surrendered to the board, nor any
28 renewal thereof in possession of the board, will be held for the
29 benefit of the licensee for a period exceeding one year from the
30 date of surrender, except where, in the opinion of the board,

1 circumstances beyond the control of the licensee prevent
2 reactivation. The board shall reconsider the revocation of any
3 such club license during the period from January 1, 1978,
4 through December 31, 1985, to ascertain if circumstances beyond
5 the control of the licensee prevented timely reactivation of the
6 license. No such licensee whose license was revoked during the
7 aforesaid period shall be eligible for reconsideration after one
8 year after the effective date of this amendatory act. Failure of
9 the licensee to lift the license and resume operation of the
10 licensed business or to effect a transfer of the license within
11 the one-year period may be sufficient cause for revocation of
12 the license if timely reactivation was not due to circumstances
13 beyond the control of the licensee.

14 (e) In the case of any club license which is reactivated
15 under this section, the board shall determine no sooner than
16 eighteen months after such reactivation, and no later than
17 twenty-four months after reactivation, that the club has
18 actually resumed operation and is functioning in fact as a club
19 as defined in section 102. If the board finds that the club is
20 not so functioning, the license shall be immediately revoked.

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