

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 103 Session of  
1993

INTRODUCED BY OLIVER, RIEGER, BISHOP, LaGROTTA, TIGUE, PESCI,  
TRELLO, KENNEY, STABACK, KELLER, CURRY, SCHULER, OLASZ,  
MIHALICH, LINTON, LEDERER, GIGLIOTTI, KIRKLAND, DALEY, JAMES,  
DONATUCCI, JOSEPHS, HUGHES, PRESTON AND WILLIAMS,  
JANUARY 27, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 20, 1993

## 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,"  
17 further providing for ENFORCEMENT AND FOR the issuance or <—  
18 transfer of liquor licenses in license districts in cities of  
19 the first class.

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

22 ~~Section 1. Section 404 of the act of April 12, 1951 (P.L.90, <—~~  
23 ~~No.21), known as the Liquor Code, reenacted and amended June 29,~~  
24 ~~1987 (P.L.32, No.14), is amended to read:~~

SECTION 1. SECTIONS 211(D) AND 404 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14), ARE AMENDED TO READ:

SECTION 211. ENFORCEMENT.--\* \* \*

(D) THE OFFICE OF CHIEF COUNSEL FOR THE PENNSYLVANIA STATE POLICE SHALL REPRESENT THE ENFORCEMENT BUREAU IN ALL ENFORCEMENT PROCEEDINGS BROUGHT BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGE OR ANY OTHER ADJUDICATORY BODY. THE ENFORCEMENT BUREAU IS BOUND BY LEGAL OPINIONS ISSUED BY THE BOARD OR ITS COUNSEL.

Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses.--Upon receipt of the application, the proper fees and bond, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable

1 institution, school, or public playground, or if such new  
2 license or transfer is applied for a place which is within two  
3 hundred feet of any other premises which is licensed by the  
4 board: And provided further, That the board shall refuse any  
5 application for a new license or the transfer of any license to  
6 a new location if, in the board's opinion, such new license or  
7 transfer would be detrimental to the welfare, health, peace and  
8 morals of the inhabitants of the neighborhood within a radius of  
9 five hundred feet of the place proposed to be licensed: And  
10 provided further, That in any license district in a city of the  
11 first class, the board shall refuse any application for a new  
12 license or for any person-to-person ~~or~~ AND place-to-place OR <—  
13 PLACE-TO-PLACE transfer of any license if the licensed premises  
14 is or would be within three hundred feet of any church,  
15 hospital, charitable institution, school or public playground,  
16 or within two hundred feet of any other premises licensed by the  
17 board or, if, in the opinion of the board the licensed premises  
18 is or would be detrimental to the welfare, health, peace and  
19 morals of the inhabitants of the neighborhood within a radius of  
20 five hundred feet of the licensed premises: And provided  
21 further, That the board shall not issue new licenses in any  
22 license district more than twice each license year, effective  
23 from specific dates fixed by the board, and new licenses shall  
24 not be granted, except for hotels as defined in this act, unless  
25 the application therefor shall have been filed at least thirty  
26 days before the effective date of the license: And provided  
27 further, That nothing herein contained shall prohibit the board  
28 from issuing a new license for the balance of any unexpired term  
29 in any license district to any applicant in such district, who  
30 shall have become eligible to hold such license as the result of

1 legislative enactment, when such enactment shall have taken  
2 place during the license term of that district for which  
3 application is made or within the thirty days immediately  
4 preceding such term, nor shall anything herein contained  
5 prohibit the board from issuing at any time a new license for an  
6 airport restaurant, or municipal golf course, as defined in  
7 section 461 of this act, for the balance of the unexpired  
8 license term in any license district: And provided further, That  
9 the board shall have the discretion to refuse a license to any  
10 person or to any corporation, partnership or association if such  
11 person, or any officer or director of such corporation, or any  
12 member or partner of such partnership or association shall have  
13 been convicted or found guilty of a felony within a period of  
14 five years immediately preceding the date of application for the  
15 said license. The board shall refuse any application for a new  
16 license or the transfer of any license to a location where the  
17 sale of liquid fuels or oil is conducted.

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