PRINTER'S NO. 3147

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2206 Session of 2008

INTRODUCED BY RAYMOND, DONATUCCI, BARRAR, BELFANTI, FABRIZIO, HALUSKA, HARKINS, KILLION, KOTIK, MAHONEY, MYERS, PETRONE, SEIP, SOLOBAY AND YUDICHAK, JANUARY 28, 2008

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 28, 2008

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," providing for expanded restaurant licenses, fees, privileges and restrictions; and further providing for revocation and suspension of licenses and fees and for premises to be vacated by patrons.

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

Section 1. 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), is amended by adding a section to read:

Section 415. Expanded Restaurant Licenses; Fees; Privileges;

Restrictions.--(a) Notwithstanding any other provision of this article to the contrary, a holder of a restaurant license that is also approved to hold a slot machine license or conditional slot machine license pursuant to 4 Pa.C.S. Pt. II (relating to gaming) or is an affiliate, intermediary, subsidiary, holding company or otherwise under common ownership with a person approved to hold a slot machine license or conditional slot machine license, may, in its discretion, convert its restaurant license to an expanded restaurant license by registering with the board as an expanded restaurant licensee and upon payment to the board of a conversion fee in the amount of one hundred twenty-five thousand dollars ($125,000).

(b) Expanded restaurant licensees shall pay an annual license fee to the board in the amount of fifteen thousand dollars ($15,000). If the annual fee is not timely paid, the expanded restaurant license shall expire until such time as the annual fee is paid.

(c) Notwithstanding any other provision of this article to the contrary, a holder of an expanded restaurant license may sell or serve liquor and malt or brewed beverages after ten o'clock antemeridian of any day until five o'clock antemeridian of the following day.

(d) In addition to the provisions of section 493(24)(ii), expanded restaurant licensees may give liquor and malt or brewed beverage free of charge to any person attending an invitation only event held anywhere on the premises of the licensed facility, as that term is defined in 4 Pa.C.S. § 1103 (relating to definitions).

(e) Notwithstanding the provisions of section 404, an expanded restaurant license may not be transferred to a new

location. Provided, however, that nothing in this subsection shall preclude a transfer of ownership of an expanded restaurant license to another person eligible for an expanded restaurant license under subsection (a) to be used at the same licensed premises.

(f) If the holder of an expanded restaurant license has been cited and found to have violated section 493(1) insofar as it relates to sales to minors or sales to a visibly intoxicated person, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or 6301 (relating to corruption of minors), at or relating to the licensed premises, the administrative law judge may either suspend or revoke the license, or impose a fine of not less than two thousand dollars ($2,000) nor more than ten thousand dollars ($10,000), but not both. As to other violations by the holder of an expanded restaurant license, the administrative law judge may either suspend or revoke the license, or impose a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), but not both. For the violations referenced in this subsection for holders of expanded restaurant licenses, the penalties provided for in this subsection supersede the penalties provided for in section 471(b).

(g) Except as otherwise specifically provided, the

provisions of this article relating to restaurant licenses shall be applicable to expanded restaurant licenses and the sales of liquor and malt or brewed beverages by expanded restaurant licensees shall be made in accordance with and subject to the provisions of this article relating to the sale of liquors by restaurant licensees.

Section 2. Section 471(c) of the act, amended February 21, 2002 (P.L.103, No.10) and December 9, 2002 (P.L.1653, No.212), is amended to read:

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

* * *

(c) The administrative law judge may consider the licensee's prior citation history when imposing a penalty. [If] Except where the licensee is an expanded restaurant licensee, if the violation in question is a third or subsequent violation of any offense referred to in subsection (b) or Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses), occurring within a period of four years, the administrative law judge shall impose a suspension or revocation.

* * *

Section 3. Section 499(d) of the act, amended February 21, 2002 (P.L.103, No.10), is amended to read:

Section 499. Premises to be Vacated by Patrons.--* * *

(d) This section shall not apply to holders of public service licenses and expanded restaurant licenses.

* * *

Section 4. This act shall take effect in 60 days.