

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1441 Session of
2008

INTRODUCED BY LAVALLE, WASHINGTON, STOUT, MELLOW AND MUSTO,
JUNE 6, 2008

REFERRED TO LAW AND JUSTICE, JUNE 6, 2008

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 providing for expanded restaurant licenses, fees, privileges
18 and restrictions; and further providing for revocation and
19 suspension of licenses and fees and for premises to be
20 vacated by patrons.

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

23 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
24 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
25 No.14), is amended by adding a section to read:

26 Section 415. Expanded Restaurant Licenses; Fees; Privileges;

1 Restrictions.--(a) Notwithstanding any other provision of this
2 article to the contrary, a holder of a restaurant license that
3 is also approved to hold a slot machine license or conditional
4 slot machine license pursuant to 4 Pa.C.S. Pt. II (relating to
5 gaming) or is an affiliate, intermediary, subsidiary, holding
6 company or otherwise under common ownership with a person
7 approved to hold a slot machine license or conditional slot
8 machine license, may, in its discretion, convert its restaurant
9 license to an expanded restaurant license by registering with
10 the board as an expanded restaurant licensee and upon payment to
11 the board of a conversion fee in the amount of two hundred fifty
12 thousand dollars (\$250,000).

13 (b) Expanded restaurant licensees shall pay an annual
14 license fee to the board in the amount of twenty-five thousand
15 dollars (\$25,000). If the annual fee is not timely paid, the
16 expanded restaurant license shall expire until such time as the
17 annual fee is paid.

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

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

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

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

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

30 (g) Except as otherwise specifically provided, the

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

7 Section 2. Section 471(c) of the act, amended February 21,
8 2002 (P.L.103, No.10) and December 9, 2002 (P.L.1653, No.212),
9 is amended to read:

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

11 * * *

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

21 * * *

22 Section 3. Section 499(d) of the act, amended February 21,
23 2002 (P.L.103, No.10), is amended to read:

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

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

27 * * *

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