

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2110 Session of
2012

INTRODUCED BY METCALFE, EVERETT, GINGRICH, HELM AND VULAKOVICH,
JANUARY 10, 2012

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 10, 2012

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 definitions, for authority to issue
18 liquor licenses to hotels, restaurants and clubs, for license
19 districts, license period and hearings, for applications for
20 hotel, restaurant and club liquor licenses, for issuance,
21 transfer or extension of hotel, restaurant and club liquor
22 licenses, for license fees, for sales by liquor licensees and
23 restrictions, for sale of malt or brewed beverages by liquor
24 licensees, for limiting number of retail licenses to be
25 issued in each county, for unlawful acts relative to liquor,
26 alcohol and liquor licensees and for unlawful acts relative
27 to liquor, malt and brewed beverages and licensees.

28 The General Assembly of the Commonwealth of Pennsylvania

29 hereby enacts as follows:

30 Section 1. The definition of "restaurant" in section 102 of

1 the act of April 12, 1951 (P.L.90, No.21), known as the Liquor
2 Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and
3 amended December 9, 2002 (P.L.1653, No.212), is amended and the
4 section is amended by adding a definition to read:

5 Section 102. Definitions.--The following words or phrases,
6 unless the context clearly indicates otherwise, shall have the
7 meanings ascribed to them in this section:

8 * * *

9 "Restaurant" shall mean a reputable place operated by
10 responsible persons of good reputation and habitually and
11 principally used for the purpose of providing food for the
12 public, [the place to] with sales of food and beverages equal to
13 fifty percent (50%) or more of its combined gross sales of food
14 and alcoholic beverages. It shall have an area within a building
15 of not less than four hundred square feet, equipped with tables
16 and chairs, including bar seats, accommodating at least thirty
17 persons at one time. The board shall, by regulation, set forth
18 what constitutes tables and chairs sufficient to accommodate
19 thirty persons at one time.

20 * * *

21 "Tavern" shall mean a reputable place operated by responsible
22 persons of good reputation consisting of at least four hundred
23 square feet of total space available to the public in one or
24 more rooms, other than living quarters. It shall be equipped
25 with tables and chairs, including bar seats, accommodating
26 thirty persons at one time.

27 * * *

28 Section 2. Section 401 heading and (a) of the act, amended
29 July 6, 2005 (P.L.135, No.39), are amended to read:

30 Section 401. Authority to Issue Liquor Licenses to Hotels,

1 Restaurants, Taverns and Clubs.--(a) Subject to the provisions
2 of this act and regulations promulgated under this act, the
3 board shall have authority to issue a retail liquor license for
4 any premises kept or operated by a hotel, restaurant, tavern or
5 club and specified in the license entitling the hotel,
6 restaurant, tavern or club to purchase liquor from a
7 Pennsylvania Liquor Store and to keep on the premises such
8 liquor and, subject to the provisions of this act and the
9 regulations made thereunder, to sell the same and also malt or
10 brewed beverages to guests, patrons or members for consumption
11 on the hotel, restaurant, tavern or club premises. Such
12 licensees, other than clubs, shall be permitted to sell malt or
13 brewed beverages for consumption off the premises where sold in
14 quantities of not more than one hundred ninety-two fluid ounces
15 in a single sale to one person as provided for in section 407.
16 Such licenses shall be known as hotel liquor licenses,
17 restaurant liquor licenses, tavern liquor licenses and club
18 liquor licenses, respectively. No person who holds, either by
19 appointment or election, any public office which involves the
20 duty to enforce any of the penal laws of the United States of
21 America or the penal laws of the Commonwealth of Pennsylvania or
22 any penal ordinance or resolution of any political subdivision
23 of this Commonwealth shall be issued any hotel or restaurant
24 liquor license, nor shall such a person have any interest,
25 directly or indirectly, in any such license.

26 * * *

27 Section 3. Section 402(a) and (b) of the act, amended June
28 30, 1992 (P.L.327, No.66) and April 29, 1994 (P.L.212, No.30),
29 are amended to read:

30 Section 402. License Districts; License Period; Hearings.--

1 (a) The board shall hold hearings on applications for licenses
2 and renewals thereof, as it deems necessary, at such times as it
3 shall fix for the purpose of hearing testimony for and against
4 applications for new licenses and renewals thereof. The board
5 shall hold a hearing on any application for a new hotel, club,
6 tavern or restaurant liquor license or the transfer of any such
7 license to a new location, upon the request of any person with
8 standing to testify under subsection (b) if the request is filed
9 with the board within the first fifteen days of posting of the
10 notice of application pursuant to section 403(g). The board may
11 provide for the holding of such hearings by hearing examiners
12 learned in the law, to be appointed by the Governor, who shall
13 not be subject to the act of August 5, 1941 (P.L.752, No.286),
14 known as the "Civil Service Act." Such hearing examiners shall
15 make a report to the board in each case with their
16 recommendations. The board may fix the license period for each
17 separate license so that the expiration dates shall be staggered
18 as to the State.

19 (b) Where a hearing is held in the case of an application
20 for a new hotel, club, tavern or restaurant liquor license or an
21 application for the transfer of a hotel, club, tavern or
22 restaurant liquor license to a new location, the board shall
23 permit residents residing within a radius of five hundred feet
24 of the premises to testify at the hearing. The board and any
25 hearing examiner thereof shall give appropriate evidentiary
26 weight to any testimony of such residents given at the hearing.

27 * * *

28 Section 4. Section 403 heading and (a) of the act, amended
29 December 9, 2002 (P.L.1653, No.212), is amended to read:

30 Section 403. Applications for Hotel, Restaurant, Tavern and

1 Club Liquor Licenses.--(a) Every applicant for a hotel liquor
2 license, restaurant liquor license, tavern liquor license or
3 club liquor license or for the transfer of an existing license
4 to another premises not then licensed or to another person shall
5 file a written application with the board in such form and
6 containing such information as the board shall from time to time
7 prescribe, which shall be accompanied by a filing fee and an
8 annual license fee as prescribed in section 614-A of the act of
9 April 9, 1929 (P.L.177, No.175), known as "The Administrative
10 Code of 1929." Every such application shall contain a
11 description of that part of the hotel, restaurant, tavern or
12 club for which the applicant desires a license and shall set
13 forth such other material information, description or plan of
14 that part of the hotel, restaurant, tavern or club where it is
15 proposed to keep and sell liquor as may be required by the
16 regulations of the board. The descriptions, information and
17 plans referred to in this subsection shall show the hotel,
18 restaurant, tavern, club, or the proposed location for the
19 construction of a hotel, restaurant, tavern or club, at the time
20 the application is made, and shall show any alterations proposed
21 to be made thereto, or the new building proposed to be
22 constructed after the approval by the board of the application
23 for a license or for the transfer of an existing license to
24 another premises not then licensed or to another person. No
25 physical alterations, improvements or changes shall be required
26 to be made to any hotel, restaurant, tavern or club, nor shall
27 any new building for any such purpose, be required to be
28 constructed until approval of the application for license or for
29 the transfer of an existing license to another premises not then
30 licensed or to another person by the board. After approval of

1 the application, the licensee shall make the physical
2 alterations, improvements and changes to the licensed premises,
3 or shall construct the new building in the manner specified by
4 the board at the time of approval, and the licensee shall not
5 transact any business under the license until the board has
6 approved the completed physical alterations, improvements and
7 changes to the licensed premises, or the completed construction
8 of the new building as conforming to the specifications required
9 by the board at the time of issuance or transfer of the license,
10 and is satisfied that the establishment is a restaurant, tavern
11 hotel or club as defined by this act. The board may require that
12 all such alterations or construction or conformity to definition
13 be completed within six months from the time of issuance or
14 transfer of the license. Failure to comply with these
15 requirements shall be considered cause for revocation of the
16 license. No such license shall be transferable between the time
17 of issuance or transfer of the license and the approval of the
18 completed alterations or construction by the board and full
19 compliance by the licensee with the requirements of this act,
20 except in the case of death of the licensee prior to full
21 compliance with all of the aforementioned requirements or unless
22 full compliance is impossible for reasons beyond the licensee's
23 control, in which event, the license may be transferred by the
24 board as provided in this act.

25 * * *

26 Section 5. Section 404 of the act, amended January 6, 2006
27 (P.L.1, No.1), is amended to read:

28 Section 404. Issuance, Transfer or Extension of Hotel,
29 Restaurant, Tavern and Club Liquor Licenses.--Upon receipt of
30 the application and the proper fees, and upon being satisfied of

1 the truth of the statements in the application that the
2 applicant is the only person in any manner pecuniarily
3 interested in the business so asked to be licensed and that no
4 other person will be in any manner pecuniarily interested
5 therein during the continuance of the license, except as
6 hereinafter permitted, and that the applicant is a person of
7 good repute, that the premises applied for meet all the
8 requirements of this act and the regulations of the board, that
9 the applicant seeks a license for a hotel, restaurant, tavern or
10 club, as defined in this act, and that the issuance of such
11 license is not prohibited by any of the provisions of this act,
12 the board shall, in the case of a hotel, tavern or restaurant,
13 grant and issue to the applicant a liquor license, and in the
14 case of a club may, in its discretion, issue or refuse a
15 license: Provided, however, That in the case of any new license
16 or the transfer of any license to a new location or the
17 extension of an existing license to cover an additional area the
18 board may, in its discretion, grant or refuse such new license,
19 transfer or extension if such place proposed to be licensed is
20 within three hundred feet of any church, hospital, charitable
21 institution, school, or public playground, or if such new
22 license, transfer or extension is applied for a place which is
23 within two hundred feet of any other premises which is licensed
24 by the board: And provided further, That the board's authority
25 to refuse to grant a license because of its proximity to a
26 church, hospital, charitable institution, public playground or
27 other licensed premises shall not be applicable to license
28 applications submitted for public venues or performing arts
29 facilities: And provided further, That the board shall refuse
30 any application for a new license, the transfer of any license

1 to a new location or the extension of an existing license to
2 cover an additional area if, in the board's opinion, such new
3 license, transfer or extension would be detrimental to the
4 welfare, health, peace and morals of the inhabitants of the
5 neighborhood within a radius of five hundred feet of the place
6 proposed to be licensed: And provided further, That the board
7 shall have the discretion to refuse a license to any person or
8 to any corporation, partnership or association if such person,
9 or any officer or director of such corporation, or any member or
10 partner of such partnership or association shall have been
11 convicted or found guilty of a felony within a period of five
12 years immediately preceding the date of application for the said
13 license. The board shall refuse any application for a new
14 license, the transfer of any license to a new location or the
15 extension of any license to cover an additional area where the
16 sale of liquid fuels or oil is conducted. The board may enter
17 into an agreement with the applicant concerning additional
18 restrictions on the license in question. If the board and the
19 applicant enter into such an agreement, such agreement shall be
20 binding on the applicant. Failure by the applicant to adhere to
21 the agreement will be sufficient cause to form the basis for a
22 citation under section 471 and for the nonrenewal of the license
23 under section 470. If the board enters into an agreement with an
24 applicant concerning additional restrictions, those restrictions
25 shall be binding on subsequent holders of the license until the
26 license is transferred to a new location or until the board
27 enters into a subsequent agreement removing those restrictions.
28 If the application in question involves a location previously
29 licensed by the board, then any restrictions imposed by the
30 board on the previous license at that location shall be binding

1 on the applicant unless the board enters into a new agreement
2 rescinding those restrictions. The board may, in its discretion,
3 refuse an application for an economic development license under
4 section 461(b.1) or an application for an intermunicipal
5 transfer of a license if the board receives a protest from the
6 governing body of the receiving municipality. The receiving
7 municipality of an intermunicipal transfer or an economic
8 development license under section 461(b.1) may file a protest
9 against the transfer of a license into its municipality, and the
10 receiving municipality shall have standing in a hearing to
11 present testimony in support of or against the issuance or
12 transfer of a license. Upon any opening in any quota, an
13 application for a new license shall only be filed with the board
14 for a period of six months following said opening.

15 Section 6. Section 405(a) of the act, amended April 29, 1994
16 (P.L.212, No.30), is amended to read:

17 Section 405. License Fees.--(a) License fees for hotel,
18 tavern and restaurant liquor licenses shall be graduated
19 according to the population of the municipality as determined by
20 the last preceding decennial census of the United States in
21 which the hotel or restaurant is located, as prescribed in
22 section 614-A of the act of April 9, 1929 (P.L.177, No.175),
23 known as "The Administrative Code of 1929."

24 * * *

25 Section 7. Section 406(a), (b), (e) and (f) of the act,
26 amended or added April 29, 1994 (P.L.212, No.30), December 30,
27 2003 (P.L.423, No.59), July 6, 2005 (P.L.135, No.39), November
28 29, 2006 (P.L.1421, No.155) and June 28, 2011 (P.L.55, No.11),
29 are amended to read:

30 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

1 (1) Every hotel, restaurant, tavern or club liquor licensee may
2 sell liquor and malt or brewed beverages by the glass, open
3 bottle or other container, and in any mixture, for consumption
4 only in that part of the hotel, tavern or restaurant habitually
5 used for the serving of food to guests or patrons, or in a
6 bowling alley that is immediately adjacent to and under the same
7 roof as a restaurant, and in the case of hotels, to guests, and
8 in the case of clubs, to members, in their private rooms in the
9 hotel or club. No club licensee nor its officers, servants,
10 agents or employes, other than one holding a catering license,
11 shall sell any liquor or malt or brewed beverages to any person
12 except a member of the club. The holder of a restaurant license
13 located in a hotel may sell liquor or malt or brewed beverages
14 for consumption in that part of the restaurant habitually used
15 for the serving of meals to patrons and also to guests in
16 private guest rooms in the hotel. For the purpose of this
17 paragraph, any person who is an active member of another club
18 which is chartered by the same state or national organization
19 shall have the same rights and privileges as members of the
20 particular club. For the purpose of this paragraph, any person
21 who is an active member of any volunteer firefighting company,
22 association or group of this Commonwealth, whether incorporated
23 or unincorporated, shall upon the approval of any club composed
24 of volunteer firemen licensed under this act, have the same
25 social rights and privileges as members of such licensed club.
26 For the purposes of this paragraph, the term "active member"
27 shall not include a social member. Any club licensee which is
28 either an incorporated unit of a national veterans' organization
29 or an affiliated organization as defined in section 461.1 shall
30 be permitted to sell liquor or malt or brewed beverages to any

1 active member of another unit which is chartered by the same
2 national veterans' organization or to any member of a nationally
3 chartered auxiliary associated with the same national veterans'
4 organization.

5 (2) Hotel, tavern and restaurant liquor licensees, airport
6 restaurant liquor licensees, municipal golf course restaurant
7 liquor licensees and privately-owned public golf course
8 restaurant licensees may sell liquor and malt or brewed
9 beverages only after seven o'clock antemeridian of any day until
10 two o'clock antemeridian of the following day, except Sunday,
11 and except as hereinafter provided, may sell liquor and malt or
12 brewed beverages on Sunday between the hours of twelve o'clock
13 midnight and two o'clock antemeridian.

14 (3) Hotel, tavern and restaurant liquor licensees, municipal
15 golf course restaurant liquor licensees and privately-owned
16 public golf course restaurant licensees may sell liquor and malt
17 or brewed beverages on Sunday between the hours of eleven
18 o'clock antemeridian and two o'clock antemeridian Monday upon
19 purchase of a special permit from the board at an annual fee as
20 prescribed in section 614-A of the act of April 9, 1929

21 (P.L.177, No.175), known as "The Administrative Code of 1929."
22 Airport restaurant liquor licensees may sell liquor and malt or
23 brewed beverages on Sunday between the hours of seven o'clock
24 antemeridian and two o'clock antemeridian Monday upon purchase
25 of a special permit from the board at an annual fee as
26 prescribed in section 614-A of the act of April 9, 1929

27 (P.L.177, No.175), known as "The Administrative Code of 1929."

28 (4) Hotel, tavern and restaurant liquor licensees, airport
29 restaurant liquor licensees, municipal golf course restaurant
30 liquor licensees and privately-owned public golf course

1 restaurant licensees which do not qualify for and purchase such
2 special permit, their servants, agents or employes may sell
3 liquor and malt or brewed beverages only after seven o'clock
4 antemeridian of any day and until two o'clock antemeridian of
5 the following day, and shall not sell after two o'clock
6 antemeridian on Sunday. No club licensee or its servants, agents
7 or employes may sell liquor or malt or brewed beverages between
8 the hours of three o'clock antemeridian and seven o'clock
9 antemeridian on any day. No public service liquor licensee or
10 its servants, agents, or employes may sell liquor or malt or
11 brewed beverages between the hours of two o'clock antemeridian
12 and seven o'clock antemeridian on any day.

13 (6) Notwithstanding any provisions to the contrary, whenever
14 the thirty-first day of December falls on a Sunday, every hotel,
15 tavern or restaurant liquor licensee, their servants, agents or
16 employes may sell liquor and malt or brewed beverages on any
17 such day after one o'clock postmeridian and until two o'clock
18 antemeridian of the following day.

19 (6.1) Notwithstanding any provisions to the contrary,
20 whenever Saint Patrick's Day falls on a Sunday, every hotel,
21 tavern or restaurant liquor licensee, their servants, agents or
22 employes may sell liquor and malt or brewed beverages on any
23 such day after seven o'clock antemeridian and until two o'clock
24 antemeridian of the following day.

25 (b) Such Sunday sales by hotel, tavern and restaurant liquor
26 licensees which qualify for and purchase such special permit,
27 their servants, agents and employes, shall be made subject to
28 the restrictions imposed by the act on sales by hotels and
29 restaurants for sales on weekdays as well as those restrictions
30 set forth in this section.

1 * * *

2 (e) The holder of a hotel license or the holder of a tavern
3 license or the holder of a restaurant license located in a hotel
4 may allow persons to transport liquor or malt or brewed
5 beverages from the licensed portion of the premises to the
6 unlicensed portion of the premises, so long as the liquor or
7 malt or brewed beverages remain on the hotel property. In
8 addition, a holder of a restaurant or club license located on a
9 golf course may sell, furnish or give liquor or malt or brewed
10 beverages on the unlicensed portion of the golf course so long
11 as the liquor or malt or brewed beverages remain on the
12 restaurant, club or golf course. The holder of a restaurant
13 license or tavern license located immediately adjacent to and
14 under the same roof of a bowling center may allow persons to
15 transport liquor or malt or brewed beverages from the licensed
16 portion of the premises to the unlicensed portion of the
17 premises, so long as the liquor or malt or brewed beverages
18 remain within the bowling center. In addition, the holder of a
19 hotel license or a tavern license or a restaurant license may
20 allow persons who have purchased but only partially consumed a
21 bottle of wine on the premises to remove the bottle from the
22 premises so long as the bottle was purchased in conjunction with
23 a meal which was consumed on the premises and so long as the
24 bottle is resealed. For purposes of this subsection, "wine"
25 shall have the meaning given to it under section 488(i). For
26 purposes of this subsection, "meal" shall mean food prepared on
27 the premises, sufficient to constitute breakfast, lunch or
28 dinner; it shall not mean a snack, such as pretzels, popcorn,
29 chips or similar food.

30 (f) The holder of a hotel, tavern or restaurant liquor

1 license may obtain an off-premises catering permit subject to
2 section 493(33) to hold a catered function off the licensed
3 premises and on otherwise unlicensed premises where the licensee
4 may sell wine, liquor and malt or brewed beverages by the glass,
5 open bottle or other container, and in any mixture, for
6 consumption on those premises. Functions conducted under the
7 authority of the permit shall be subject to the following:

8 (1) alcohol may be provided only during the days and hours
9 that the license holder may otherwise sell alcohol;

10 (2) all servers at the off premises catered function shall
11 be in compliance with the responsible alcohol management
12 provisions under section 471.1;

13 (3) Each catered function shall last no longer than one day
14 and not more than fifty catered functions may be held each
15 calendar year by each license holder for use with a particular
16 license;

17 (4) a catered function shall not be held at a location that
18 is already subject to the applicant's or another licensee's
19 license;

20 (5) a permit shall not be issued to an applicant whose
21 license is in safekeeping;

22 (6) a permit shall not be issued to a location that is
23 subject to a pending objection by the director of the Bureau of
24 Licensing or the board under section 470(a.1);

25 (7) a permit shall not be issued to a location that is
26 subject to a pending license suspension under section 471 or the
27 one-year prohibition on the issuance or transfer of a license
28 under section 471(b);

29 (8) no alcohol may be taken from the permitted location, but
30 the applicant may transport alcohol to and from its licensed

1 premises to the proposed premises; and

2 (9) written notice of the date, time and location of the
3 catered function shall be provided to the local police or if
4 there is no local police force to the enforcement bureau at
5 least forty-eight hours in advance of the event.

6 * * *

7 Section 8. Section 407(a) of the act, amended June 28, 2011
8 (P.L.55, No.11), is amended to read:

9 Section 407. Sale of Malt or Brewed Beverages by Liquor
10 Licensees.--(a) Every liquor license issued to a hotel,
11 restaurant, tavern, club, or a railroad, pullman or steamship
12 company under this subdivision (A) for the sale of liquor shall
13 authorize the licensee to sell malt or brewed beverages at the
14 same places but subject to the same restrictions and penalties
15 as apply to sales of liquor, except that licensees other than
16 clubs may sell malt or brewed beverages for consumption off the
17 premises where sold in quantities of not more than one hundred
18 ninety-two fluid ounces in a single sale to one person. The
19 sales may be made in either open or closed containers, Provided,
20 however, That a municipality may adopt an ordinance restricting
21 open containers in public places. No licensee under this
22 subdivision (A) shall at the same time be the holder of any
23 other class of license, except a retail dispenser's license
24 authorizing the sale of malt or brewed beverages only.

25 * * *

26 Section 9. Section 461(a) and (b.3) of the act, amended
27 February 21, 2002 (P.L.103, No.10) and November 29, 2006
28 (P.L.1421, No.155), are amended to read:

29 Section 461. Limiting Number of Retail Licenses To Be Issued
30 In Each County.--(a) No additional [restaurant] tavern, eating

1 place retail dispenser or club licenses shall be issued within a
2 county if the total number of [restaurant] tavern and eating
3 place retail dispenser licenses is greater than one license for
4 each three thousand inhabitants in the county, except the board
5 may issue licenses to restaurants, public venues, performing
6 arts facilities, continuing care retirement communities, airport
7 restaurants, municipal golf courses, hotels, privately-owned
8 private golf courses, privately-owned public golf courses,
9 racetracks, automobile racetracks, nonprimary pari-mutuel
10 wagering locations and to any other entity which this act
11 specifically exempts from the limitations provided in this
12 section, and the board may issue a license to a club situated in
13 a borough having a population less than eight thousand
14 inhabitants which is located in a county of the second class A
15 whose application is filed on or before February 28, 2001. In
16 addition, the board may issue an eating place retail dispenser
17 license for on-premises sales only to the owner or operator of a
18 facility having a minimum of a one-half mile asphalt track and
19 having a permanent seating capacity of at least six thousand
20 people used principally for holding automobile races, regardless
21 of the number of restaurant and eating place retail dispenser
22 licenses already issued in that county. When determining the
23 number of restaurant and eating place retail dispenser licenses
24 issued in a county for the purposes of this section, licenses
25 exempted from this limitation and club licenses shall not be
26 considered. Inhabitants of dry municipalities shall be
27 considered when determining the population in a county. Licenses
28 shall not be issued or transferred into municipalities where
29 such licenses are prohibited pursuant to local referendum in
30 accordance with section 472. Licenses approved for

1 intermunicipal transfer may not be transferred from the
2 receiving municipality for a period of five years after the date
3 that the licensed premises are operational in the receiving
4 municipality.

5 * * *

6 (b.3) An intermunicipal transfer of a license or issuance of
7 a license for economic development under subsection (b.1)(2)(i)
8 must first be approved by the governing body of the receiving
9 municipality when the total number of existing [restaurant]
10 tavern liquor licenses and eating place retail dispenser
11 licenses in the receiving municipality equal or exceed one
12 license per three thousand inhabitants. Upon request for
13 approval of an intermunicipal transfer of a license or issuance
14 of an economic development license by an applicant, at least one
15 public hearing shall be held by the municipal governing body for
16 the purpose of receiving comments and recommendations of
17 interested individuals residing within the municipality
18 concerning the applicant's intent to transfer a license into the
19 municipality or acquire an economic development license from the
20 Pennsylvania Liquor Control Board. The governing body shall,
21 within forty-five days of a request for approval, render a
22 decision by ordinance or resolution to approve or disapprove the
23 applicant's request for an intermunicipal transfer of a license
24 or issuance of an economic development license. The municipality
25 may approve the request. A decision by the governing body of the
26 municipality to deny the request may not be appealed. A copy of
27 the approval must be submitted with the license application. The
28 approval requirement shall not apply to licenses transferred
29 into a tax increment district created pursuant to the act of
30 July 11, 1990 (P.L.465, No.113), known as the "Tax Increment

1 Financing Act," located in a township of the second class that
2 is located within a county of the second class if the district
3 was created prior to December 31, 2002, and the governing body
4 of the township has adopted an agreement at a public meeting
5 that consents to the transfer of licenses into the tax increment
6 district. Failure by the governing body of the municipality to
7 render a decision within forty-five days of the applicant's
8 request for approval shall be deemed an approval of the
9 application in terms as presented unless the governing body has
10 notified the applicant in writing of their election for an
11 extension of time not to exceed sixty days. Failure by the
12 governing body of the municipality to render a decision within
13 the extended time period shall be deemed an approval of the
14 application in terms as presented.

15 * * *

16 Section 10. Section 491(6) of the act, amended July 17, 2003
17 (P.L.63, No.15), is amended to read:

18 Section 491. Unlawful Acts Relative to Liquor, Alcohol and
19 Liquor Licensees.--

20 It shall be unlawful--

21 * * *

22 (6) Sales by Restaurant, Tavern and Hotel Liquor Licensees.
23 For any restaurant, tavern or hotel licensee, his servants,
24 agents or employes, to sell any liquor or malt or brewed
25 beverages for consumption on the licensed premises except in a
26 room or rooms or place on the licensed premises at all times
27 accessible to the use and accommodation of the general public,
28 but this section shall not be interpreted to prohibit a
29 restaurant liquor licensee from providing private affairs the
30 primary function of which is for catering only to weddings or

1 special occasions arranged twenty-four hours in advance, nor to
2 prohibit a hotel licensee, or a restaurant licensee when the
3 restaurant is located in a hotel, from selling liquor or malt or
4 brewed beverages in any room of such hotel occupied by a bona
5 fide guest or to prohibit a restaurant licensee from selling
6 liquor or malt or brewed beverages in a bowling alley where the
7 restaurant or tavern and bowling alley are immediately adjacent
8 and under the same roof.

9 * * *

10 Section 11. Section 493(11), (13), (14) and (17) of the act,
11 amended June 18, 1998 (P.L.664, No.86), December 9, 2002
12 (P.L.1653, No.212), May 8, 2003 (P.L.1, No.1) and July 16, 2007
13 (P.L.107, No.34), are amended to read:

14 Section 493. Unlawful Acts Relative to Liquor, Malt and
15 Brewed Beverages and Licensees.--The term "licensee," when used
16 in this section, shall mean those persons licensed under the
17 provisions of Article IV, unless the context clearly indicates
18 otherwise.

19 It shall be unlawful--

20 * * *

21 (11) Licensees Employed by Others. For any hotel,
22 restaurant, tavern or club liquor licensee, or any malt or
23 brewed beverage licensee, or any officer, servant, agent or
24 employe of such licensee, to be at the same time employed,
25 directly or indirectly, by any distributor, importing
26 distributor, manufacturer, importer or vendor licensee or any
27 out of State manufacturer. It shall also be unlawful for any
28 distributor or importing distributor, or any officer, servant,
29 agent or employe of such licensee, to be at the same time
30 employed, directly or indirectly, by any other distributor,

1 importing distributor, manufacturer, importer, vendor, out of
2 State manufacturer, hotel restaurant, tavern, malt or brewed
3 beverage licensee, or club liquor licensee. It shall also be
4 unlawful for any manufacturer, importer, or vendor licensee, or
5 any out of State manufacturer, or any officer, servant, agent or
6 employe of such licensee or manufacturer, to be at the same time
7 employed, directly or indirectly, by any hotel, tavern,
8 restaurant or club liquor licensee or any malt or brewed
9 beverage licensee or any distributor or importing distributor
10 licensee. Nothing in this subsection shall be construed to
11 prohibit a manufacturer or limited winery licensee, or any
12 officer, servant, agent or employe of such licensee, to be
13 employed at the same time by a hotel, restaurant or retail
14 dispenser licensee if the hotel, restaurant or retail dispenser
15 licensee is located at the manufacturer or limited winery
16 premises pursuant to section 443. For the purposes of this
17 subsection, an officer, servant, agent or employe of a licensee
18 or manufacturer is an individual who has either an ownership
19 interest in the licensee or manufacturer or who receives
20 compensation for his or her work on behalf of the licensee or
21 manufacturer.

22 * * *

23 (13) Retail Licensees Employing Minors. For any hotel,
24 restaurant, tavern or club liquor licensee, or any retail
25 dispenser, to employ or to permit any minor under the age of
26 eighteen to serve any alcoholic beverages or to employ or permit
27 any minor under the age of sixteen to render any service
28 whatever in the licensed premises, nor shall any entertainer
29 under the age of eighteen be employed or permitted to perform in
30 any licensed premises in violation of the labor laws of this

1 Commonwealth: Provided, That in accordance with board
2 regulations minors between the ages of sixteen and eighteen may
3 be employed to serve food, clear tables and perform other
4 similar duties, not to include the dispensing or serving of
5 alcoholic beverages. A ski resort, golf course or amusement park
6 licensee may employ minors fourteen and fifteen years of age to
7 perform duties in rooms or areas of the licensed premises;
8 however, such minors may not perform duties in rooms or areas in
9 which alcohol is being concurrently dispensed or served or in
10 which alcohol is being concurrently stored in an unsecured
11 manner. Notwithstanding any provisions of law to the contrary, a
12 hotel, restaurant, tavern or club liquor licensee or any retail
13 dispenser may allow students receiving instruction in a
14 performing art to perform an exhibition if the students are not
15 compensated and are under proper supervision. Written notice of
16 the performance must be provided to the enforcement bureau prior
17 to the performance.

18 (14) Permitting Undesirable Persons or Minors to Frequent
19 Premises. For any hotel, restaurant, tavern or club liquor
20 licensee, or any retail dispenser, his servants, agents or
21 employes, to permit persons of ill repute or prostitutes to
22 frequent his licensed premises or any premises operated in
23 connection therewith. Minors may only frequent licensed premises
24 if: (a) they are accompanied by a parent; (b) they are
25 accompanied by a legal guardian; (c) they are under proper
26 supervision; (d) they are attending a social gathering; or (e)
27 the hotel, restaurant or retail dispenser licensee has gross
28 sales of food and nonalcoholic beverages equal to fifty per
29 centum or more of its combined gross sale of both food and
30 alcoholic beverages. If a minor is frequenting a hotel,

1 restaurant or retail dispenser licensee under subsection (e),
2 then the minor may not sit at the bar section of the premises,
3 nor may any alcoholic beverages be served at the table or booth
4 at which the said minor is seated unless said minor is with a
5 parent, legal guardian or under proper supervision. Further, if
6 a hotel, restaurant, tavern, club liquor licensee or retail
7 dispenser is hosting a social gathering under subsection (d),
8 then written notice at least forty-eight hours in advance of
9 such gathering shall be given to the Bureau of Enforcement. If a
10 minor is frequenting licensed premises with proper supervision
11 under subsection (c), each supervisor can supervise up to twenty
12 minors, except for premises located in cities of the first
13 class, where each supervisor can supervise up to five minors.
14 Notwithstanding any other provisions of this section, if the
15 minors are on the premises as part of a school-endorsed
16 function, then each supervisor can supervise fifty minors.
17 Nothing in this clause shall be construed to make it unlawful
18 for minors to frequent public venues or performing arts
19 facilities.

20 * * *

21 (17) Licensees, etc., Interested or Employed in
22 Manufacturing or Sale of Equipment or Fixtures. For any
23 licensee, or any officer, director, stockholder, servant, agent
24 or employe of any licensee, to own any interest, directly or
25 indirectly, in or be employed or engaged in any business which
26 involves the manufacture or sale of any equipment, furnishings
27 or fixtures to any hotel, restaurant, tavern or club licensees,
28 or to any importing distributors, distributors or retail
29 dispensers. Notwithstanding any other provision of this section
30 or this act, licensees may sell glasses at not less than cost

1 and to provide metal keg connectors and tap knobs to other
2 licensees and to holders of special occasion permits.

3 * * *

4 Section 12. This act shall take effect in 60 days.