

## AMENDMENTS TO HOUSE BILL NO. 1615

Sponsor: SENATOR PHILLIPS-HILL

Printer's No. 2990

1 Amend Bill, page 1, line 18, by inserting after "breweries"  
2 and for renewal of licenses and temporary provisions for  
3 licensees in armed service and for rights of municipalities  
4 preserved

5 Amend Bill, page 4, lines 25 and 26, by striking out all of  
6 said lines and inserting

7 Section 2. Section 470(a)(1) of the act is amended to read:  
8 Section 470. Renewal of Licenses; Temporary Provisions for  
9 Licensees in Armed Service.--(a) (1) All applications for  
10 validation or renewal of licenses under the provisions of this  
11 article shall be filed at least sixty days before the expiration  
12 date of same, along with tax clearance from the Department of  
13 Revenue and the Department of Labor and Industry, the requisite  
14 license and filing fees, and, except as provided under paragraph  
15 (2), shall include an application surcharge of seven hundred  
16 dollars (\$700.00): Provided, however, That the board, in its  
17 discretion, may accept nunc pro tunc a renewal application filed  
18 less than sixty days before the expiration date of the license  
19 with the required fees, upon reasonable cause shown and the  
20 payment of an additional filing fee of one hundred dollars  
21 (\$100.00) for late filing: And provided further, That except  
22 where the failure to file a renewal application on or before the  
23 expiration date has created a license quota vacancy after said  
24 expiration date which has been filled by the issuance of a new  
25 license, after such expiration date, but before the board has  
26 received a renewal application nunc pro tunc within the time  
27 prescribed herein the board, in its discretion, may, after  
28 hearing, accept a renewal application filed within two years  
29 after the expiration date of the license with the required fees  
30 upon the payment of an additional filing fee of two hundred  
31 fifty dollars (\$250.00) for late filing. Where any such renewal  
32 application is filed less than sixty days before the expiration  
33 date, or subsequent to the expiration date, no license shall  
34 issue upon the filing of the renewal application until the  
35 matter is finally determined by the board and if an appeal is  
36 taken from the board's action the courts shall not order the  
37 issuance of the renewal license until final determination of the

1 matter by the courts. The board may enter into an agreement with  
2 the applicant concerning additional restrictions on the license  
3 in question. If the board and the applicant enter into such an  
4 agreement, such agreement shall be binding on the applicant.  
5 Failure by the applicant to adhere to the agreement will be  
6 sufficient cause to form the basis for a citation under section  
7 471 and for the nonrenewal of the license under this section. A  
8 renewal application will not be considered filed unless  
9 accompanied by the requisite filing and license fees and any  
10 additional filing fee required by this section. Unless the board  
11 shall have given ten days' previous notice to the applicant of  
12 objections to the renewal of his license, based upon violation  
13 by the licensee or his servants, agents or employees of any of  
14 the laws of the Commonwealth or regulations of the board  
15 relating to the manufacture, transportation, use, storage,  
16 importation, possession or sale of liquors, alcohol or malt or  
17 brewed beverages, or the conduct of a licensed establishment, or  
18 unless the applicant has by his own act become a person of ill  
19 repute, or unless the premises do not meet the requirements of  
20 this act or the regulations of the board, the license of a  
21 licensee shall be renewed. Notwithstanding any other provision  
22 of this act, a noise violation shall not be the sole basis for  
23 objection by the board to the renewal of a license unless the  
24 licensee has received [six] three prior adjudicated noise  
25 citations within a twenty-four-month period.

26 \* \* \*

27 Section 3. Section 493.1(e)(1) and (2) of the act are  
28 amended and the subsection is amended by adding a paragraph to  
29 read:

30 Section 493.1. Rights of Municipalities Preserved.--\* \* \*

31 (e) (1) Notwithstanding any other provision of law to the  
32 contrary except as provided under paragraph (3), the holder of a  
33 [limited winery] license under this act that is located in a  
34 class 2A through 8 county may use or permit to be used inside or  
35 outside of the licensed premises a loudspeaker or similar device  
36 whereby the sound of music or other entertainment, or the  
37 advertisement thereof, does not exceed 75 decibels beyond the  
38 licensee's property line.

39 (2) The provisions of [subsection (a)] paragraph (1) shall  
40 only apply:

41 (i) From ten o'clock antemeridian until [eight] nine o'clock  
42 postmeridian on every day except Fridays and Saturdays; and

43 (ii) From ten o'clock antemeridian until [ten] twelve  
44 o'clock [postmeridian] antemeridian on Fridays or Saturdays.

45 \* \* \*

46 (4) The Bureau of Liquor Control Enforcement of the  
47 Pennsylvania State Police shall enforce the provisions of this  
48 subsection.

49 Section 4. This act shall take effect immediately.