

AMENDMENTS TO HOUSE BILL NO. 947

Sponsor: SENATOR CORMAN

Printer's No. 2176

1 Amend Bill, page 1, line 16, by inserting after "laws," "
2 in preliminary provisions, further providing for definitions;

3 Amend Bill, page 1, line 19, by inserting after "LICENSE"
4 , for limiting number of retail licenses to be issued in each
5 county, for licenses not assignable and transfers

6 Amend Bill, page 2, lines 2 through 4, by striking out all of
7 said lines and inserting

8 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
9 No.21), known as the Liquor Code, is amended by adding a
10 definition to read:

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

14 * * *

15 "Commercial and mixed-use overlay project" shall mean a
16 planned development:

17 (1) situated on at least twenty-five acres;

18 (2) constructed since January 1, 2019;

19 (3) with at least two hundred seventy-five thousand square
20 feet of actual or proposed development;

21 (4) with a mix of commercial and residential uses; and

22 (5) that is adjacent to an existing hotel property with at
23 least ninety rooms.

24 * * *

25 Section 2. Sections 406(d) and 413(f)(1) of the act are
26 amended to read:

27 Amend Bill, page 3, by inserting between lines 2 and 3

28 Section 3. Section 461(a) of the act is amended and the
29 section is amended by adding a subsection to read:

30 Section 461. Limiting Number of Retail Licenses To Be Issued
31 In Each County.--(a) No additional restaurant, eating place
32 retail dispenser or club licenses shall be issued within a
33 county if the total number of restaurant and eating place retail
34 dispenser licenses is greater than one license for each three

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

36 * * *

37 (b.6) Notwithstanding any other provision of this act, the
38 board may approve the transfer of a restaurant liquor license,
39 available for auction under section 470.3, to any county for the
40 purposes of a commercial and mixed-use overlay project, subject
41 to the following conditions:

42 (1) The proposed project must be a commercial and mixed-use
43 overlay project and must be located within a municipality that
44 allows for the issuance and transfer of restaurant liquor
45 licenses under section 472.

46 (2) The initial application may be submitted to the board by
47 an interested party. The application shall be accompanied by a
48 resolution or ordinance indicating that the municipality where
49 the proposed project is located has approved the request to have
50 the area designated as a commercial and mixed-use overlay
51 project by the board, a map of the area proposed to be so

1 designated and any additional information the board may require.

2 (3) The application shall indicate the number of licenses
3 that the applicant is seeking to transfer, up to twenty
4 licenses. In addition to the normal application and license fees
5 for a restaurant liquor license, the application shall be
6 accompanied by a twenty-five thousand dollar (\$25,000) surcharge
7 for each license.

8 (4) Upon receipt of a completed application that satisfies
9 board requirements, the board shall approve the request and
10 deposit the twenty-five thousand dollar (\$25,000) surcharge per
11 license into the State Stores Fund. Each license shall be held
12 in safekeeping for the benefit of the applicant until the
13 applicant files a formal transfer application. The applicant may
14 assign the applicant's rights to file a formal transfer
15 application to a third party.

16 (5) The board may choose the specific licenses that will be
17 made available for transfer but preference shall be given to
18 licenses from a saturated county, if they are available, up to
19 the maximum number of licenses that may be accepted from that
20 county.

21 (6) For purposes of this subsection, the maximum number of
22 licenses that may be accepted from a county shall be calculated
23 by subtracting from the total number of restaurant liquor
24 licenses in the county, a number equal to 2.64 times the county
25 population divided by three thousand (3,000).

26 (7) A license placed in safekeeping under paragraph (4) may
27 be held for up to four years from the date the board approves
28 the application and shall be exempt from the additional
29 safekeeping fees imposed under section 474.1. The license shall
30 be subject to all other fees, including renewal fees and the
31 application surcharge imposed under section 470. Upon expiration
32 of the four-year period, the license shall be revoked unless the
33 applicant has submitted a transfer application prior to
34 expiration. If a license is revoked, the applicant is not
35 entitled to a refund.

36 (8) A license transferred under this subsection is subject
37 to all of the following:

38 (i) The license may not be transferred to a location outside
39 of the commercial and mixed-use overlay project.

40 (ii) The license is ineligible for a wine expanded permit
41 under section 415.

42 (iii) The licensee may not sell malt and brewed beverages
43 for off-premises consumption.

44 (9) A license transferred into a new county under this
45 subsection is subject to all of the following:

46 (i) The license shall not be counted toward, nor be subject
47 to, the county quota set forth in section 461.

48 (ii) The license shall have its renewal and validation dates
49 amended to match the renewal and validation date of the licenses
50 in the county.

51 * * *

1 Section 4. Sections 468(a)(1), 492.1(a) and 505.4(b)(1) and
2 (5) and (c) of the act are amended to read:

3 Section 468. Licenses Not Assignable; Transfers.--(a) (1)
4 Licenses issued under this article may not be assigned. The
5 board, upon payment of the transfer filing fee, is hereby
6 authorized to transfer any license issued by it under the
7 provisions of this article from one person to another or from
8 one place to another, or both. Except for restaurant liquor and
9 eating place retail dispenser licenses transferred under section
10 461(b.4) and restaurant liquor licenses transferred under
11 section 461(b.5) and (b.6), if the license is a retail license,
12 the new location must be within the same county as the existing
13 location or, if the municipality is located in more than one
14 county, within the same municipality as the existing location.

15 * * *

16 Amend Bill, page 6, line 14, by striking out "2" and
17 inserting

18 5

19 Amend Bill, page 6, line 14, by striking out "in 60 days."
20 and inserting

21 as follows:

22 (1) The following provisions shall take effect
23 immediately:

24 (i) This section.

25 (ii) The amendment or addition of sections 406(d),
26 413(f)(1), 492.1(a)(2) and 505.4(b)(1), (5) and (c) of
27 the act.

28 (2) The remainder of this act shall take effect in 60
29 days.