

AMENDMENTS TO HOUSE BILL NO. 1048

Sponsor: REPRESENTATIVE BURNS

Printer's No. 1211

1 Amend Bill, page 1, lines 1 through 19, by striking out all
2 of said lines and inserting

3 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
4 act relating to alcoholic liquors, alcohol and malt and
5 brewed beverages; amending, revising, consolidating and
6 changing the laws relating thereto; regulating and
7 restricting the manufacture, purchase, sale, possession,
8 consumption, importation, transportation, furnishing, holding
9 in bond, holding in storage, traffic in and use of alcoholic
10 liquors, alcohol and malt and brewed beverages and the
11 persons engaged or employed therein; defining the powers and
12 duties of the Pennsylvania Liquor Control Board; providing
13 for the establishment and operation of State liquor stores,
14 for the payment of certain license fees to the respective
15 municipalities and townships, for the abatement of certain
16 nuisances and, in certain cases, for search and seizure
17 without warrant; prescribing penalties and forfeitures;
18 providing for local option, and repealing existing laws," in
19 licenses and regulations for liquor, alcohol and malt and
20 brewed beverages, further providing for renewal of licenses.

21 Amend Bill, page 1, lines 22 through 25; page 2, lines 1
22 through 7; by striking out all of said lines on said pages and
23 inserting

24 Section 1. Section 470(a) of the act of April 12, 1951
25 (P.L.90, No.21), known as the Liquor Code, is amended to read:
26 Section 470. Renewal of Licenses; Temporary Provisions for
27 Licensees in Armed Service.--(a) All applications for
28 validation or renewal of licenses under the provisions of this
29 article shall be filed with tax clearance from the Department of
30 Revenue and the Department of Labor and Industry and requisite
31 license and filing fees[, and shall include an application
32 surcharge of seven hundred dollars (\$700.00),] at least sixty
33 days before the expiration date of same: Provided, however, That
34 the board, in its discretion, may accept nunc pro tunc a renewal
35 application filed less than sixty days before the expiration

1 date of the license with the required fees, upon reasonable
2 cause shown and the payment of an additional filing fee of one
3 hundred dollars (\$100.00) for late filing: And provided further,
4 That except where the failure to file a renewal application on
5 or before the expiration date has created a license quota
6 vacancy after said expiration date which has been filled by the
7 issuance of a new license, after such expiration date, but
8 before the board has received a renewal application nunc pro
9 tunc within the time prescribed herein the board, in its
10 discretion, may, after hearing, accept a renewal application
11 filed within two years after the expiration date of the license
12 with the required fees upon the payment of an additional filing
13 fee of two hundred fifty dollars (\$250.00) for late filing.
14 Where any such renewal application is filed less than sixty days
15 before the expiration date, or subsequent to the expiration
16 date, no license shall issue upon the filing of the renewal
17 application until the matter is finally determined by the board
18 and if an appeal is taken from the board's action the courts
19 shall not order the issuance of the renewal license until final
20 determination of the matter by the courts. The board may enter
21 into an agreement with the applicant concerning additional
22 restrictions on the license in question. If the board and the
23 applicant enter into such an agreement, such agreement shall be
24 binding on the applicant. Failure by the applicant to adhere to
25 the agreement will be sufficient cause to form the basis for a
26 citation under section 471 and for the nonrenewal of the license
27 under this section. A renewal application will not be considered
28 filed unless accompanied by the requisite filing and license
29 fees and any additional filing fee required by this section.
30 Unless the board shall have given ten days' previous notice to
31 the applicant of objections to the renewal of his license, based
32 upon violation by the licensee or his servants, agents or
33 employes of any of the laws of the Commonwealth or regulations
34 of the board relating to the manufacture, transportation, use,
35 storage, importation, possession or sale of liquors, alcohol or
36 malt or brewed beverages, or the conduct of a licensed
37 establishment, or unless the applicant has by his own act become
38 a person of ill repute, or unless the premises do not meet the
39 requirements of this act or the regulations of the board, the
40 license of a licensee shall be renewed. Notwithstanding any
41 other provision of this act, a noise violation shall not be the
42 sole basis for objection by the board to the renewal of a
43 license unless the licensee has received six prior adjudicated
44 noise citations within a twenty-four-month period.

45 * * *

46 Section 2. This act shall take effect in 60 days.