

AMENDMENTS TO HOUSE BILL NO. 1048

Sponsor: SENATOR STEFANO

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 and temporary provisions for licensees in armed service.

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

25 Section 1. Section 470(a) of the act of April 12, 1951
26 (P.L.90, No.21), known as the Liquor Code, is amended and the
27 subsection is amended by adding a paragraph to read:

28 Section 470. Renewal of Licenses; Temporary Provisions for
29 Licensees in Armed Service.--(a) (1) All applications for
30 validation or renewal of licenses under the provisions of this
31 article shall be filed at least sixty days before the expiration
32 date of same, along with tax clearance from the Department of
33 Revenue and the Department of Labor and Industry [and], the
34 requisite license and filing fees, and, except as provided under
35 paragraph (2), shall include an application surcharge of seven

1 hundred dollars (\$700.00)[, at least sixty days before the
2 expiration date of same]: Provided, however, That the board, in
3 its discretion, may accept nunc pro tunc a renewal application
4 filed less than sixty days before the expiration date of the
5 license with the required fees, upon reasonable cause shown and
6 the payment of an additional filing fee of one hundred dollars
7 (\$100.00) for late filing: And provided further, That except
8 where the failure to file a renewal application on or before the
9 expiration date has created a license quota vacancy after said
10 expiration date which has been filled by the issuance of a new
11 license, after such expiration date, but before the board has
12 received a renewal application nunc pro tunc within the time
13 prescribed herein the board, in its discretion, may, after
14 hearing, accept a renewal application filed within two years
15 after the expiration date of the license with the required fees
16 upon the payment of an additional filing fee of two hundred
17 fifty dollars (\$250.00) for late filing. Where any such renewal
18 application is filed less than sixty days before the expiration
19 date, or subsequent to the expiration date, no license shall
20 issue upon the filing of the renewal application until the
21 matter is finally determined by the board and if an appeal is
22 taken from the board's action the courts shall not order the
23 issuance of the renewal license until final determination of the
24 matter by the courts. The board may enter into an agreement with
25 the applicant concerning additional restrictions on the license
26 in question. If the board and the applicant enter into such an
27 agreement, such agreement shall be binding on the applicant.
28 Failure by the applicant to adhere to the agreement will be
29 sufficient cause to form the basis for a citation under section
30 471 and for the nonrenewal of the license under this section. A
31 renewal application will not be considered filed unless
32 accompanied by the requisite filing and license fees and any
33 additional filing fee required by this section. Unless the board
34 shall have given ten days' previous notice to the applicant of
35 objections to the renewal of his license, based upon violation
36 by the licensee or his servants, agents or employes of any of
37 the laws of the Commonwealth or regulations of the board
38 relating to the manufacture, transportation, use, storage,
39 importation, possession or sale of liquors, alcohol or malt or
40 brewed beverages, or the conduct of a licensed establishment, or
41 unless the applicant has by his own act become a person of ill
42 repute, or unless the premises do not meet the requirements of
43 this act or the regulations of the board, the license of a
44 licensee shall be renewed. Notwithstanding any other provision
45 of this act, a noise violation shall not be the sole basis for
46 objection by the board to the renewal of a license unless the
47 licensee has received six prior adjudicated noise citations
48 within a twenty-four-month period.

49 (2) An application for validation or renewal of a
50 restaurant, club or catering club license held by a volunteer
51 fire company, incorporated unit of a national veterans'

1 organization or an affiliated organization of an incorporated
2 unit of a national veterans' organization, affiliated
3 organization of an incorporated unit of a national veterans'
4 organization or affiliated organization of a national veterans'
5 association shall not be subject to the seven hundred dollar
6 (\$700.00) surcharge under paragraph (1).

7 * * *

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