
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 613 Session of
1997

INTRODUCED BY M. N. WRIGHT, GEIST, ALLEN, ITKIN, LAUGHLIN,
READSHAW, THOMAS, HALUSKA, SCRIMENTI, CAWLEY, CORRIGAN,
TRELLO, MELIO AND HENNESSEY, FEBRUARY 14, 1997

SENATOR THOMPSON, LAW AND JUSTICE, IN SENATE, AS AMENDED,
NOVEMBER 16, 1998

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 ~~defining "catering hall"; providing for the issuance of~~ <—
18 ~~restaurant liquor licenses to catering halls; eliminating the~~
19 ~~requirement that certain licensees obtain bonds; and further~~
20 ~~providing for special occasion permits, for performing arts~~
21 ~~facility licenses, for restrictions on sales by liquor~~
22 ~~licensees, for wholesale storage of malt or brewed beverages,~~
23 ~~for incorporated units of national veterans' organizations,~~
24 ~~for transfers and renewals of certain licenses, for adult~~
25 ~~entertainment permits, for amusement permits, for unlawful~~
26 ~~acts relative to liquor, malt and brewed beverages and~~
27 ~~licensees and for use of The State Stores Fund. FURTHER~~ <—
28 PROVIDING FOR APPLICATIONS FOR ISSUANCE OF HOTEL, RESTAURANT
29 AND CLUB LIQUOR LICENSES, FOR LICENSE FEES, FOR PUBLIC
30 SERVICE LIQUOR LICENSES, FOR TRADE SHOW AND CONVENTION

1 LICENSES, FOR CITY-OWNED STADIA, FOR PERFORMING ARTS
2 FACILITIES, FOR PERFORMING ARTS FACILITIES IN SECOND CLASS A
3 COUNTIES, SECOND CLASS A CITIES, THIRD CLASS CITIES, BOROUGH
4 AND TOWNSHIPS OF THE SECOND CLASS LOCATED IN CERTAIN
5 COUNTIES, FOR RECREATION FACILITIES, FOR SEASONAL OUTDOOR
6 CAFE, FOR SACRAMENTAL WINE LICENSES, FOR LIQUOR IMPORTERS'
7 LICENSES, FOR MALT AND BREWED BEVERAGES MANUFACTURERS',
8 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES, FOR
9 STADIUM OR ARENA PERMITS, FOR FILING OF APPLICATIONS FOR
10 DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS'
11 LICENSES, FOR PRICE CHANGES OF MALT AND BREWED BEVERAGES, FOR
12 LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED IN EACH
13 MUNICIPALITY, FOR REQUIREMENT THAT LICENSEES FURNISH BOND,
14 FOR NONASSIGNABILITY AND TRANSFER OF LICENSES, FOR
15 APPLICATIONS FOR TRANSFERS, FOR EXPIRATION AND RENEWAL OF
16 LICENSES, FOR REVOCATION AND SUSPENSION OF LICENSES, FOR
17 UNLAWFUL ACTS RELATIVE TO MALT OR BREWED BEVERAGES AND
18 LICENSEES, FOR APPLICATIONS, FOR ISSUANCE OF LICENSES AND FOR
19 REQUIREMENT OF BONDS; AND MAKING A REPEAL.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 ~~Section 1. Section 102 of the act of April 12, 1951 (P.L.90, <—~~
23 ~~No.21), known as the Liquor Code, reenacted and amended June 29,~~
24 ~~1987 (P.L.32, No.14), is amended by adding a definition to read:~~
25 ~~Section 102. Definitions. The following words or phrases,~~
26 ~~unless the context clearly indicates otherwise, shall have the~~
27 ~~meanings ascribed to them in this section:~~

28 * * *

29 ~~"Catering hall" shall mean a reputable place operated by~~
30 ~~responsible persons of good reputation and exclusively used to~~
31 ~~serve food prepared on the premises for the accommodation of~~
32 ~~groups who are using the facility by prior arrangement, made at~~
33 ~~least twenty four hours in advance of an event, and which is~~
34 ~~paid for by such groups.~~

35 * * *

36 ~~Section 2. Section 401 of the act is amended by adding a~~
37 ~~subsection to read:~~

38 ~~Section 401. Authority to Issue Liquor Licenses to Hotels,~~
39 ~~Restaurants and Clubs. * * *~~

~~(c) Except as otherwise provided in this section, a catering hall as defined in this article shall be treated as a restaurant for all purposes of this act, except that a catering hall shall not be required to be accessible to the general public and shall not be authorized to sell any malt or brewed beverages for consumption off the premises.~~

~~Section 3. Section 403(a) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:~~

~~Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses. (a) Every applicant for a hotel liquor license, restaurant liquor license or club liquor license or for the transfer of an existing license to another premises not then licensed shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe, which shall be accompanied by a filing fee and an annual license fee as prescribed in section 614 A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929[," and the bond hereinafter specified.]."~~ Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board. The descriptions, information and plans referred to in this subsection shall show the hotel, restaurant, club, or the proposed location for the construction of a hotel, restaurant or club, at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of

~~1 the application for a license or for the transfer of an existing
2 license to another premises not then licensed. No physical
3 alterations, improvements or changes shall be required to be
4 made to any hotel, restaurant or club, nor shall any new
5 building for any such purpose, be required to be constructed
6 until approval of the application for license or for the
7 transfer of an existing license to another premises not then
8 licensed by the board. After approval of the application, the
9 licensee shall make the physical alterations, improvements and
10 changes to the licensed premises, or shall construct the new
11 building in the manner specified by the board at the time of
12 approval, and the licensee shall not transact any business under
13 the license until the board has approved the completed physical
14 alterations, improvements and changes to the licensed premises,
15 or the completed construction of the new building as conforming
16 to the specifications required by the board at the time of
17 issuance or transfer of the license, and is satisfied that the
18 establishment is a restaurant, hotel or club as defined by this
19 act. The board may require that all such alterations or
20 construction or conformity to definition be completed within six
21 months from the time of issuance or transfer of the license.
22 Failure to comply with these requirements shall be considered
23 cause for revocation of the license. No such license shall be
24 transferable between the time of issuance or transfer of the
25 license and the approval of the completed alterations or
26 construction by the board and full compliance by the licensee
27 with the requirements of this act, except in the case of death
28 of the licensee prior to full compliance with all of the
29 aforementioned requirements, in which event, the license may be
30 transferred by the board as provided in this act.~~

1 * * *

2 ~~Section 4. Section 404 of the act, amended April 29, 1994~~
3 ~~(P.L.212, No.30) and October 5, 1994 (P.L.522, No.77), is~~
4 ~~amended to read:~~

5 ~~Section 404. Issuance of Hotel, Restaurant and Club Liquor~~
6 ~~Licenses. Upon receipt of the application[,] and the proper~~
7 ~~fees [and bond,] and upon being satisfied of the truth of the~~
8 ~~statements in the application that the applicant is the only~~
9 ~~person in any manner pecuniarily interested in the business so~~
10 ~~asked to be licensed and that no other person will be in any~~
11 ~~manner pecuniarily interested therein during the continuance of~~
12 ~~the license, except as hereinafter permitted, and that the~~
13 ~~applicant is a person of good repute, that the premises applied~~
14 ~~for meet all the requirements of this act and the regulations of~~
15 ~~the board, that the applicant seeks a license for a hotel,~~
16 ~~restaurant or club, as defined in this act, and that the~~
17 ~~issuance of such license is not prohibited by any of the~~
18 ~~provisions of this act, the board shall, in the case of a hotel~~
19 ~~or restaurant, grant and issue to the applicant a liquor~~
20 ~~license, and in the case of a club may, in its discretion, issue~~
21 ~~or refuse a license: Provided, however, That in the case of any~~
22 ~~new license or the transfer of any license to a new location the~~
23 ~~board may, in its discretion, grant or refuse such new license~~
24 ~~or transfer if such place proposed to be licensed is within~~
25 ~~three hundred feet of any church, hospital, charitable~~
26 ~~institution, school, or public playground, or if such new~~
27 ~~license or transfer is applied for a place which is within two~~
28 ~~hundred feet of any other premises which is licensed by the~~
29 ~~board: And provided further, That the board shall refuse any~~
30 ~~application for a new license or the transfer of any license to~~

~~1 a new location if, in the board's opinion, such new license or
2 transfer would be detrimental to the welfare, health, peace and
3 morals of the inhabitants of the neighborhood within a radius of
4 five hundred feet of the place proposed to be licensed: And
5 provided further, That prior to July 1, 1996, in any license
6 district in a city of the first class, the board may, in its
7 opinion, refuse any application for a new license or for any
8 person to person transfer which shall include a change in
9 stockholders involving ten per centum or more of all outstanding
10 voting stock and/or less than ten per centum of all outstanding
11 voting stock when such change involves a majority or controlling
12 interest, of any license if the licensed premises is or would be
13 within three hundred feet of any church, hospital, charitable
14 institution, school or public playground or within two hundred
15 feet of any other premises licensed by the board and if, in the
16 opinion of the board, the licensed premises is or would be
17 detrimental to the welfare, health, peace and morals of such
18 church, hospital, school, public playground and/or the
19 inhabitants of the neighborhood within a radius of five hundred
20 feet of the licensed premises. This authority to refuse a
21 person to person transfer in a city of the first class is in
22 addition to and not in derogation of the authority of the board
23 generally stated for all areas of this Commonwealth: And
24 provided further, That the board shall have the discretion to
25 refuse a license to any person or to any corporation,
26 partnership or association if such person, or any officer or
27 director of such corporation, or any member or partner of such
28 partnership or association shall have been convicted or found
29 guilty of a felony within a period of five years immediately
30 preceding the date of application for the said license. The~~

~~board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.~~

~~Section 5. Section 405(e) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:~~

~~Section 405. License Fees. * * *~~

~~(e) Every application for a restaurant liquor license for a nonprimary pari mutuel wagering location or a racetrack shall be accompanied by an applicant's fee of five thousand dollars (\$5,000) [and a bond in the penal sum of two thousand dollars (\$2,000)] for the first year of a licensing period. Thereafter, the nonprimary pari mutuel wagering location or the racetrack shall be subject to the above stated fees for restaurant licenses [and the filing of a bond in the amount of two thousand dollars (\$2,000)] for each year of a licensing period.~~

~~Section 6. Section 406(a) of the act is amended by adding a clause to read:~~

~~Section 406. Sales by Liquor Licensees; Restrictions. (a) * * *~~

~~(7) Notwithstanding other provisions to the contrary, a catering club licensee that is a volunteer fire company may sell liquor or malt or brewed beverages to nonmembers who purchase tickets in advance or at the door for a catered function.~~

~~* * *~~

~~Section 7. Section 408(c) and (d) of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:~~

~~Section 408. Public Service Liquor Licenses. * * *~~

~~(c) Every applicant for a public service liquor license~~

1 ~~shall [file with the board a surety bond as hereinafter~~
2 ~~prescribed,] pay to the board for each of the maximum number of~~
3 ~~dining, club or buffet cars which the applicant estimates it~~
4 ~~will have in operation on any one day an annual fee as~~
5 ~~prescribed in section 614 A of the act of April 9, 1929~~
6 ~~(P.L.177, No.175), known as "The Administrative Code of 1929."~~

7 ~~(d) Unless previously revoked, every license issued by the~~
8 ~~board under this section shall expire if the annual fee is not~~
9 ~~timely paid or on the last day of the license period for which~~
10 ~~the license is issued. Licenses issued under the provisions of~~
11 ~~this section shall be renewed as herein provided, upon the~~
12 ~~filing of applications in such form as the board shall~~
13 ~~prescribe, but no license shall be renewed until the applicant~~
14 ~~shall [file with the board a new surety bond and shall] pay the~~
15 ~~requisite license fee.~~

16 * * *

17 ~~Section 8. Sections 408.1(f), 408.2(f) and 408.3(f) of the~~
18 ~~act are amended to read:~~

19 ~~Section 408.1. Trade Show and Convention Licenses. * * *~~

20 ~~[(f) The penal sum of the bond which shall be filed by an~~
21 ~~applicant for a trade show and convention license pursuant to~~
22 ~~section 465 of this article shall be two thousand dollars~~
23 ~~(\$2,000) and in addition thereto he shall file an additional~~
24 ~~bond in a sum to assure payment of any suspension of license up~~
25 ~~to one hundred days.]~~

26 * * *

27 ~~Section 408.2. City Owned Stadia. * * *~~

28 ~~[(f) The penal sum of the bond which shall be filed by an~~
29 ~~applicant for a stadium license pursuant to section 465 of the~~
30 ~~"Liquor Code" shall be two thousand dollars (\$2,000) and in~~

~~addition thereto he shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).]~~

~~* * *~~

~~Section 408.3. Performing Arts Facilities. * * *~~

~~[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 of the "Liquor Code" shall be two thousand dollars (\$2,000).]~~

~~* * *~~

~~Section 9. Section 408.4(a), (c) and (e) of the act, amended April 29, 1994 (P.L.212, No.30), October 5, 1994 (P.L.522, No.77) and December 20, 1996 (P.L.1523, No.199), are amended and the section is amended by adding a subsection to read:~~

~~Section 408.4. Special Occasion Permits. (a) Upon application of any hospital, church, synagogue, volunteer fire company, volunteer ambulance company, volunteer rescue squad, nonprofit agricultural association in existence for at least ten years, bona fide sportsmen's club in existence for at least ten years, nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, or the auxiliary of any of the foregoing, and upon payment of the prescribed fee for special occasion permits under section 614 A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," the board shall issue a special occasion permit good for a period of not more than five consecutive or nonconsecutive days: Provided, however, That the five nonconsecutive days shall be used in a three month period measured from the date of the first~~

1 ~~day. Special occasion permits may also be issued to a museum~~
2 ~~operated by a nonprofit corporation [in a city of the third~~
3 ~~class or township of the first class or], a nonprofit~~
4 ~~corporation engaged in the performing arts [in a city of the~~
5 ~~third class or in an incorporated town], or an arts council for~~
6 ~~a period of not more than six nonconsecutive or ten consecutive~~
7 ~~days at the prescribed fee for special occasion permits under~~
8 ~~section 614 A of "The Administrative Code of 1929."~~

9 ~~* * *~~

10 ~~(c) Such special occasion permit shall only be valid for the~~
11 ~~number of days stated in the permit. Only one permit may be~~
12 ~~issued to any permittee during the year. Provided, that a museum~~
13 ~~operated by a nonprofit corporation [in a city of the third~~
14 ~~class or township of the first class and], a nonprofit~~
15 ~~corporation engaged in the performing arts [in a city of the~~
16 ~~third class], or an arts council may be issued no more than six~~
17 ~~permits during the year, each permit being valid for only one~~
18 ~~day, or in the alternative, one permit valid for no more than a~~
19 ~~total of ten consecutive days per year[, which may be issued~~
20 ~~only during the month of August].~~

21 ~~* * *~~

22 ~~(c) The provisions of this section shall not be applicable~~
23 ~~to any of the following:~~

24 ~~(1) A licensee now or hereafter possessing a caterer's~~
25 ~~license, [nor to any] other than a volunteer fire company,~~
26 ~~volunteer ambulance company or volunteer rescue squad, which~~
27 ~~owns its own facility.~~

28 ~~(2) A professional fund raiser.~~

29 ~~* * *~~

30 ~~(g) For the purposes of this section "arts council" means a~~

~~tax exempt organization which promotes the visual arts,
performing arts, or both, and which receives funding under the
Local Arts Services Program administered by the Pennsylvania
Council on the Arts.~~

~~Section 10. Sections 408.6(a) and (f), 408.7(f), 408.8(f),
408.10(f), 408.11(f), 409(b) and 410(b) and (c) of the act,
amended or added April 29, 1994 (P.L.212, No.30) and May 31,
1996 (P.L.312, No.49), are amended to read:~~

~~Section 408.6. Performing Arts Facilities in Second Class A
Cities, Third Class Cities and Townships of the Second Class
Located in Fourth Class Counties. (a) The board is authorized
to issue a restaurant liquor license to a nonprofit corporation
or to a concessionaire selected by such nonprofit corporation in
any city of the second class A or any city of the third class
for the retail sale of liquor and malt or brewed beverages by
the glass, open bottles or other container or in any mixture for
consumption on any city owned premises utilized as a nonprofit
performing arts facility or any other premises utilized as a
nonprofit performing arts facility where there is an available
seating capacity within the premises of [six hundred fifty] five
hundred or more: Provided, however, That no sale or consumption
of such beverages shall take place on any portions of such
premises other than service areas approved by the board.~~

~~* * *~~

~~[(f) The penal sum of the bond which shall be filed by an
applicant for a performing arts facility pursuant to section 465
shall be two thousand dollars (\$2,000) for each year of a
licensing period.]~~

~~* * *~~

~~Section 408.7. Performing Arts Facilities in First and~~

1 ~~Second Class Cities. * * *~~

2 ~~[(f) The penal sum of the bond which shall be filed by an~~
3 ~~applicant for a performing arts facility pursuant to section 465~~
4 ~~shall be two thousand dollars (\$2,000) for each year of a~~
5 ~~licensing period.]~~

6 ~~* * *~~

7 ~~Section 408.8. Trade Shows and Convention Licenses; Cities~~
8 ~~of the Third Class. * * *~~

9 ~~[(f) The penal sum of the bond which shall be filed by an~~
10 ~~applicant for a trade show or convention facility pursuant to~~
11 ~~section 465 shall be two thousand dollars (\$2,000) for each year~~
12 ~~of a licensing period.]~~

13 ~~* * *~~

14 ~~Section 408.10. Recreation Facilities. * * *~~

15 ~~[(f) The penal sum of the bond which shall be filed by an~~
16 ~~applicant for a license issued under this section, pursuant to~~
17 ~~section 465, shall be two thousand dollars (\$2,000) for each~~
18 ~~year of a licensing period, and in addition thereto the~~
19 ~~applicant shall file an additional bond in a sum to assure~~
20 ~~payment of any fine imposed by the board up to one thousand~~
21 ~~dollars (\$1,000).]~~

22 ~~* * *~~

23 ~~Section 408.11. Seasonal Outdoor Cafe. * * *~~

24 ~~[(f) The penal sum of the bond which shall be filed by an~~
25 ~~applicant for a license issued under this section, pursuant to~~
26 ~~section 465, shall be two thousand dollars (\$2,000).]~~

27 ~~* * *~~

28 ~~Section 409. Sacramental Wine Licenses; Fees; Privileges;~~
29 ~~Restrictions. * * *~~

30 ~~(b) Every applicant for a sacramental wine license shall~~

~~file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee as prescribed in section 614 A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and a license fee of one hundred dollars[, and a bond as hereinafter prescribed]. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.~~

~~* * *~~

~~Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions. * * *~~

~~(b) Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe. The filing and license fees shall be as prescribed in section 614 A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [The applicant shall file a bond as hereinafter required.] Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board.~~

~~(c) The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored, located in the same municipality in which his licensed premises is situate, and not elsewhere, unless such licensee secures from the board a license for each additional storage warehouse desired. The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this~~

1 Commonwealth, provided such licensed importer files with the
2 board a separate application for each warehouse in such form and
3 containing such information as the board may from time to time
4 require. The filing and license fees shall be as prescribed in
5 section 614 A of "The Administrative Code of 1929." [The
6 applicant shall file a bond of an approved surety company in the
7 amount of ten thousand dollars for each year of a licensing
8 period. Such bond shall contain the same provisions and
9 conditions as are required in the other license bonds under this
10 article.]

11 * * *

12 Section 11. ~~Section 431(a) and (b) of the act, amended May~~
13 ~~31, 1996 (P.L.312, No.49), are amended and the section is~~
14 ~~amended by adding subsections to read:~~

15 Section 431. ~~Malt and Brewed Beverages Manufacturers',~~
16 ~~Distributors' and Importing Distributors' Licenses.—(a) The~~
17 ~~board shall issue to any person a resident of this Commonwealth~~
18 ~~of good repute who applies therefor, and pays the license fee~~
19 ~~hereinafter prescribed, [and files the bond hereinafter~~
20 ~~required,] a manufacturer's license to produce and manufacture~~
21 ~~malt or brewed beverages, and to transport, sell and deliver~~
22 ~~malt or brewed beverages [at or from one or more places of~~
23 ~~manufacture or storage,] from the place of manufacture only in~~
24 ~~original containers, in quantities of not less than a case or~~
25 ~~original containers containing one hundred twenty eight ounces~~
26 ~~or more which may be sold separately anywhere within the~~
27 ~~Commonwealth. [Licenses for places of storage shall be limited~~
28 ~~to those maintained by manufacturers on July eighteenth, one~~
29 ~~thousand nine hundred thirty five, and the board shall issue no~~
30 ~~licenses for places of storage in addition to those maintained~~

~~1 on July eighteenth, one thousand nine hundred thirty five.] The
2 application for such license shall be in such form and contain
3 such information as the board shall require. All such licenses
4 shall be granted for a license period to be determined by the
5 board. Every manufacturer shall keep at his or its principal
6 place of business, within the Commonwealth daily permanent
7 records which shall show, (1) the quantities of raw materials
8 received and used in the manufacture of malt or brewed beverages
9 and the quantities of malt or brewed beverages manufactured and
10 stored, (2) the sales of malt or brewed beverages, (3) the
11 quantities of malt or brewed beverages stored for hire or
12 transported for hire by or for the licensee, and (4) the names
13 and addresses of the purchasers or other recipients thereof.
14 Every place licensed as a manufacturer shall be subject to
15 inspection by members of the board or by persons duly authorized
16 and designated by the board, at any and all times of the day or
17 night, as they may deem necessary, for the detection of
18 violations of this act or of the rules and regulations of the
19 board, or for the purpose of ascertaining the correctness of the
20 records required to be kept by licensees. The books and records
21 of such licensees shall at all times be open to inspection by
22 members of the board or by persons duly authorized and
23 designated by the board. Members of the board and its duly
24 authorized agents shall have the right, without hindrance, to
25 enter any place which is subject to inspection hereunder or any
26 place where such records are kept for the purpose of making such
27 inspections and making transcripts thereof. Whenever any checks
28 issued in payment of filing and/or license fees shall be
29 returned to the board as dishonored, the board shall charge a
30 fee of five dollars (\$5.00) per hundred dollars or fractional~~

1 ~~part thereof, plus all protest fees, to the maker of such check~~
2 ~~submitted to the board. Failure to make full payment or pay the~~
3 ~~face amount of the check in full and all charges thereon as~~
4 ~~herein required within ten days after demand has been made by~~
5 ~~the board upon the maker of the check or upon notification to~~
6 ~~the board by the Department of Revenue or the Department of~~
7 ~~Labor and Industry of its objection, the license of such person~~
8 ~~shall immediately become invalid and shall remain invalid until~~
9 ~~payment and all charges are received by the board.~~

10 ~~(a.1) Any out of State manufacturer whose products are sold~~
11 ~~and delivered within this Commonwealth shall be authorized to~~
12 ~~rent, lease or otherwise acquire space from an importing~~
13 ~~distributor or bailee for hire authorized by this act at no more~~
14 ~~than two different locations for use of a segregated portion of~~
15 ~~a warehouse or other storage facility owned or operated by the~~
16 ~~importing distributor or bailee for hire at which the out of~~
17 ~~State manufacturer may store and sell malt or brewed beverages~~
18 ~~to any importing distributor to whom the out of State~~
19 ~~manufacturer has granted distribution rights pursuant to~~
20 ~~subsection (b) or to any purchaser outside this Commonwealth for~~
21 ~~delivery outside this Commonwealth; or to ship to its storage~~
22 ~~facility outside this Commonwealth. Such manufacturer may~~
23 ~~compensate the importing distributor or bailee for hire for any~~
24 ~~related storage or delivery services. Nothing in this act~~
25 ~~authorizing storage facilities for out of State manufacturers is~~
26 ~~intended to make any change in the manner malt or brewed~~
27 ~~beverages is distributed through the three tier system.~~

28 ~~(a.2) The board shall issue to a holder of a manufacturer's~~
29 ~~license no more than two storage licenses to cover storage~~
30 ~~facilities separate from the location of the manufacturing~~

1 ~~facility. A manufacturer may use its storage facilities to~~
2 ~~receive, store, sell and distribute malt or brewed beverages in~~
3 ~~the same manner as it can at its place of manufacture. A~~
4 ~~separate written application must be filed to acquire storage~~
5 ~~licenses and the board is empowered to establish what~~
6 ~~information must be provided on that application. The filing and~~
7 ~~license fees shall be prescribed in section 614 A of the act of~~
8 ~~April 9, 1929 (P.L.177, No.175), known as "The Administrative~~
9 ~~Code of 1929." Nothing in this act authorizing off site storage~~
10 ~~facilities for manufacturers is intended to make any change in~~
11 ~~the manner malt or brewed beverages is distributed through the~~
12 ~~three tier system.~~

13 ~~(b) The board shall issue to any reputable person who~~
14 ~~applies therefor, and pays the license fee hereinafter~~
15 ~~prescribed, [and files the bond hereinafter required,] a~~
16 ~~distributor's or importing distributor's license for the place~~
17 ~~which such person desires to maintain for the sale of malt or~~
18 ~~brewed beverages, not for consumption on the premises where~~
19 ~~sold, and in quantities of not less than a case or original~~
20 ~~containers containing one hundred twenty eight ounces or more~~
21 ~~which may be sold separately as prepared for the market by the~~
22 ~~manufacturer at the place of manufacture. The board shall have~~
23 ~~the discretion to refuse a license to any person or to any~~
24 ~~corporation, partnership or association if such person, or any~~
25 ~~officer or director of such corporation, or any member or~~
26 ~~partner of such partnership or association shall have been~~
27 ~~convicted or found guilty of a felony within a period of five~~
28 ~~years immediately preceding the date of application for the said~~
29 ~~license: And provided further, That, in the case of any new~~
30 ~~license or the transfer of any license to a new location, the~~

1 ~~board may, in its discretion, grant or refuse such new license~~
2 ~~or transfer if such place proposed to be licensed is within~~
3 ~~three hundred feet of any church, hospital, charitable~~
4 ~~institution, school or public playground, or if such new license~~
5 ~~or transfer is applied for a place which is within two hundred~~
6 ~~feet of any other premises which is licensed by the board: And~~
7 ~~provided further, That the board shall refuse any application~~
8 ~~for a new license or the transfer of any license to a new~~
9 ~~location if, in the board's opinion, such new license or~~
10 ~~transfer would be detrimental to the welfare, health, peace and~~
11 ~~morals of the inhabitants of the neighborhood within a radius of~~
12 ~~five hundred feet of the place proposed to be licensed. The~~
13 ~~board shall refuse any application for a new license or the~~
14 ~~transfer of any license to a location where the sale of liquid~~
15 ~~fuels or oil is conducted. The board shall require notice to be~~
16 ~~posted on the property or premises upon which the licensee or~~
17 ~~proposed licensee will engage in sales of malt or brewed~~
18 ~~beverages. This notice shall be similar to the notice required~~
19 ~~of hotel, restaurant and club liquor licensees.~~

20 ~~Except as hereinafter provided, such license shall authorize~~
21 ~~the holder thereof to sell or deliver malt or brewed beverages~~
22 ~~in quantities above specified anywhere within the Commonwealth~~
23 ~~of Pennsylvania, which, in the case of distributors, have been~~
24 ~~purchased only from persons licensed under this act as~~
25 ~~manufacturers or importing distributors, and in the case of~~
26 ~~importing distributors, have been purchased from importing~~
27 ~~distributors as provided in this subsection manufacturers or~~
28 ~~persons outside this Commonwealth engaged in the legal sale of~~
29 ~~malt or brewed beverages or from manufacturers or importing~~
30 ~~distributors licensed under this article. In the case of an~~

~~1 importing distributor, the holder of such a license shall be
2 authorized to store malt or brewed beverages owned by an out of
3 State manufacturer at a segregated portion of a warehouse or
4 other storage facility operated by the importing distributor,
5 and deliver such beverages to another importing distributor who
6 has been granted distribution rights by the out of State
7 manufacturer as provided herein. The importing distributor shall
8 be permitted to receive a fee from the out of State manufacturer
9 for any related storage or delivery services. In the case of a
10 bailee for hire hired by an out of State manufacturer, the
11 holder of such a permit shall be authorized to receive, store,
12 configure or reconfigure cases of or repack cases of malt or
13 brewed beverages produced by that out of State manufacturer for
14 sale by that manufacturer to importing distributors to whom that
15 out of State manufacturer has given distribution rights pursuant
16 to this subsection or to purchasers outside this Commonwealth
17 for delivery outside this Commonwealth; or to ship to that out
18 of State manufacturer's storage facilities outside this
19 Commonwealth. The bailee for hire shall be permitted to receive
20 a fee from the out of State manufacturer for any related storage
21 or delivery services.~~

~~22 Each out of State manufacturer of malt or brewed beverages
23 whose products are sold and delivered in this Commonwealth shall
24 give distributing rights for such products in designated
25 geographical areas to specific importing distributors, and such
26 importing distributor shall not sell or deliver malt or brewed
27 beverages manufactured by the out of State manufacturer to any
28 person issued a license under the provisions of this act whose
29 licensed premises are not located within the geographical area
30 for which he has been given distributing rights by such~~

1 ~~manufacturer. Should a licensee accept the delivery of such malt~~
2 ~~or brewed beverages in violation of this section, said licensee~~
3 ~~shall be subject to a suspension of his license for at least~~
4 ~~thirty days: Provided, That the importing distributor holding~~
5 ~~such distributing rights for such product shall not sell or~~
6 ~~deliver the same to another importing distributor without first~~
7 ~~having entered into a written agreement with the said secondary~~
8 ~~importing distributor setting forth the terms and conditions~~
9 ~~under which such products are to be resold within the territory~~
10 ~~granted to the primary importing distributor by the~~
11 ~~manufacturer.~~

12 ~~When a Pennsylvania manufacturer of malt or brewed beverages~~
13 ~~licensed under this article names or constitutes a distributor~~
14 ~~or importing distributor as the primary or original supplier of~~
15 ~~his product, he shall also designate the specific geographical~~
16 ~~area for which the said distributor or importing distributor is~~
17 ~~given distributing rights, and such distributor or importing~~
18 ~~distributor shall not sell or deliver the products of such~~
19 ~~manufacturer to any person issued a license under the provisions~~
20 ~~of this act whose licensed premises are not located within the~~
21 ~~geographical area for which distributing rights have been given~~
22 ~~to the distributor and importing distributor by the said~~
23 ~~manufacturer: Provided, That the importing distributor holding~~
24 ~~such distributing rights for such product shall not sell or~~
25 ~~deliver the same to another importing distributor without first~~
26 ~~having entered into a written agreement with the said secondary~~
27 ~~importing distributor setting forth the terms and conditions~~
28 ~~under which such products are to be resold within the territory~~
29 ~~granted to the primary importing distributor by the~~
30 ~~manufacturer. Nothing herein contained shall be construed to~~

~~prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.~~

~~* * *~~

~~Section 12. Sections 433.1(b) and 435 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:~~

~~Section 433.1. Stadium or Arena Permits. * * *~~

~~(b) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. An applicant under subsection (a)(2) for a permit for a stadium or arena owned by the city in a city of the third class which shall have a seating capacity of at least four thousand but less than six thousand five hundred shall designate one or more areas of the licensed premises comprising not less than fifteen percent (15%) of its~~

1 ~~seating capacity in which the sale of malt and brewed beverages~~
2 ~~shall not be authorized. The applicant shall submit such other~~
3 ~~information as the board may require. Applications shall be, in~~
4 ~~writing on forms prescribed by the board, and signed and sworn~~
5 ~~to by the applicant. The application and permit fees shall be as~~
6 ~~prescribed in section 614 A of the act of April 9, 1929~~
7 ~~(P.L.177, No.175), known as "The Administrative Code of 1929."~~
8 ~~{A surety bond in the amount of one thousand dollars (\$1000)~~
9 ~~shall be filed for each year of a licensing period conditioned~~
10 ~~the same as the license bonds required by this act for retail~~
11 ~~dispenser licenses.}~~

12 ~~* * *~~

13 ~~Section 435. Filing of Applications for Distributors',~~
14 ~~Importing Distributors' and Retail Dispensers' Licenses; Filing~~
15 ~~Fee. Every person intending to apply for a distributor's,~~
16 ~~importing distributor's or retail dispenser's license, as~~
17 ~~aforesaid, in any municipality of this Commonwealth, shall file~~
18 ~~with the board his or its application. All such applications~~
19 ~~shall be filed at a time to be fixed by the board. The applicant~~
20 ~~shall file with the board fees as prescribed in section 614 A of~~
21 ~~the act of April 9, 1929 (P.L.177, No.175), known as "The~~
22 ~~Administrative Code of 1929." [The applicant shall file a bond~~
23 ~~as herein required.]~~

24 ~~Section 13. Section 441(a) of the act, amended May 31, 1996~~
25 ~~(P.L.312, No.49), is amended to read:~~

26 ~~Section 441. Distributors' and Importing Distributors'~~
27 ~~Restrictions on Sales, Storage, Etc. (a) No distributor or~~
28 ~~importing distributor shall purchase, receive or resell any malt~~
29 ~~or brewed beverages except:~~

30 ~~(1) in the original containers as prepared for the market by~~

1 ~~the manufacturer at the place of manufacture; [or]~~

2 ~~(2) in the case of identical containers repackaged in the~~
3 ~~manner described by subsection (f)[.]; or~~

4 ~~(3) as provided in section 431(b).~~

5 ~~* * *~~

6 ~~Section 14. Section 443(c) and (f) of the act are amended to~~
7 ~~read:~~

8 ~~Section 443. Interlocking Business Prohibited. * * *~~

9 ~~(c) Excepting as hereinafter provided, no manufacturer of~~
10 ~~malt or brewed beverages shall in any wise be interested, either~~
11 ~~directly or indirectly, in the ownership or leasehold of any~~
12 ~~property or any mortgage lien against the same, for which a~~
13 ~~distributor's or importing distributor's license is granted; nor~~
14 ~~shall any such manufacturer, either directly or indirectly, lend~~
15 ~~any moneys, credit, or their equivalent to, or guarantee the~~
16 ~~payment of any bond, mortgage, note or other obligation of, any~~
17 ~~distributor or importing distributor, in equipping, fitting out,~~
18 ~~or maintaining and conducting, either in whole or in part, an~~
19 ~~establishment or business where malt or brewed beverages are~~
20 ~~licensed for sale by a distributor or importing distributor,~~
21 ~~excepting only the usual credits allowed for the return of~~
22 ~~original containers in which malt or brewed beverages were~~
23 ~~originally packaged for the market by the manufacturer at the~~
24 ~~place of manufacture: Provided, however, That a holder of a~~
25 ~~manufacturer's license under section 431(a) who is eligible to~~
26 ~~operate a brewery pub under section 446(2) or a limited winery~~
27 ~~as provided for under section 505.2 may also hold and operate~~
28 ~~under a hotel liquor license, a restaurant liquor license or a~~
29 ~~malt and brewed beverages retail license on the manufacturer's~~
30 ~~or limited winery's licensed premises. The hotel liquor license~~

1 ~~or restaurant liquor license or the malt and brewed beverages~~
2 ~~retail license shall be acquired by the manufacturer or limited~~
3 ~~winery subject to section 461 and shall satisfy all requirements~~
4 ~~for each respective license. Nothing in this section shall be~~
5 ~~construed to prohibit an out of State manufacturer from engaging~~
6 ~~in a transaction or making payments authorized by section~~
7 ~~431(a.1).~~

8 ~~(f) No distributor, importing distributor or retail~~
9 ~~dispenser shall in anywise receive, either directly or~~
10 ~~indirectly, any credit, loan, moneys or the equivalent thereof~~
11 ~~from any other licensee, or from any officer, director or firm~~
12 ~~member of any other licensee, or from or through a subsidiary or~~
13 ~~affiliate of another licensee, or from any firm, association or~~
14 ~~corporation, except banking institutions, in which another~~
15 ~~licensee or any officer, director or firm member of another~~
16 ~~licensee has a substantial interest or exercises a control of~~
17 ~~its business policy, for equipping, fitting out, payment of~~
18 ~~license fee, maintaining and conducting, either in whole or in~~
19 ~~part, an establishment or business operated under a~~
20 ~~distributor's, importing distributor's or retail dispenser's~~
21 ~~license, excepting only the usual and customary credits allowed~~
22 ~~for the return of original containers in which malt or brewed~~
23 ~~beverages were packaged for the market by the manufacturer at~~
24 ~~the place of manufacture: Provided, however, That a holder of a~~
25 ~~manufacturer's license under section 431(a) who is eligible to~~
26 ~~operate a brewery pub under section 446(2) or a limited winery~~
27 ~~as provided for under section 505.2 may also hold and operate~~
28 ~~under a hotel liquor license, a restaurant liquor license or a~~
29 ~~malt and brewed beverages retail license on the manufacturer's~~
30 ~~or limited winery's licensed premises. The hotel liquor license~~

~~or restaurant liquor license or the malt and brewed beverages
retail license shall be acquired by the manufacturer or limited
winery subject to section 461 and shall satisfy all requirements
for each respective license. Nothing in this section shall be
construed to prohibit an importing distributor from receiving
payment from an out of State manufacturer for engaging in a
transaction or performing services authorized by section 431(b)
or 444(a.1).~~

~~* * *~~

~~Section 15. Section 444(c) of the act is amended and the
section is amended by adding a subsection to read:~~

~~Section 444. Malt or Brewed Beverages Manufactured Outside
This Commonwealth. * * *~~

~~(a.1) Any out of State manufacturer of malt or brewed
beverages may appoint an importing distributor or bailee for
hire to perform the services prescribed in section 431(b) and
provide a fee to an importing distributor or bailee for hire who
performs such services.~~

~~* * *~~

~~(c) Upon such hearing, whether or not an appearance was made
by such outside manufacturer, if satisfied that any such
violation has occurred, the board is specifically empowered and
directed to issue an order imposing a fine upon such outside
manufacturer of not less than five hundred dollars (\$500) or
more than ten thousand dollars (\$10,000), or prohibiting the
importation of malt or brewed beverages manufactured by such
[outside] out of State manufacturer into this Commonwealth for a
period not exceeding three years, or both. Such fine or
prohibition shall not go into effect until twenty days have
elapsed from the date of notice of issuance of the board's~~

1 order.

2 * * *

3 Section 16. ~~Section 461.1 of the act, amended June 30, 1992~~
4 ~~(P.L.327, No.66), is amended to read:~~

5 Section 461.1. ~~Incorporated Units of National Veterans'~~
6 ~~Organizations. (a) The board shall have the authority to issue~~
7 ~~new licenses to incorporated units of national veterans'~~
8 ~~organizations, as defined herein, in municipalities where the~~
9 ~~number of licenses exceeds the limitation prescribed by section~~
10 ~~461.~~

11 ~~(b) The term "national veterans' organization" shall mean~~
12 ~~any veterans' organization having a national charter.~~

13 ~~The term "incorporated unit of a national veterans'~~
14 ~~organization" shall mean any incorporated post, branch, camp,~~
15 ~~detachment, lodge or other subordinate unit of a national~~
16 ~~veterans' organization having one hundred or more paid up~~
17 ~~members and organized for a period of at least one year prior to~~
18 ~~filing the application for a license. The term does not include~~
19 ~~auxiliaries, "sons of" or other similar organization.~~

20 ~~The term "affiliated organization" shall mean home~~
21 ~~associations, home corporations, auxiliaries, "sons of" or~~
22 ~~similar organizations which are directly affiliated with an~~
23 ~~incorporated unit or a national veterans' organization. An~~
24 ~~affiliated organization must meet the definition of a club set~~
25 ~~forth in section 102, except that:~~

26 ~~(1) if incorporated, the affiliated organization need not~~
27 ~~have been in continuous existence for at least one year prior to~~
28 ~~its application; or~~

29 ~~(2) if unincorporated, the affiliated organization need not~~
30 ~~have been in continuous existence for at least ten years prior~~

1 ~~to its application.~~

2 ~~(c) When the charter of an incorporated unit of a national~~
3 ~~veterans' organization is suspended or revoked, the [retail]~~
4 ~~club license of the organization shall also be suspended or~~
5 ~~[revoked] rescinded. The [retail] club license of an~~
6 ~~incorporated unit of a national veterans' organization is not~~
7 ~~transferable to any other organization or person[.], except as~~
8 ~~provided in this section.~~

9 ~~(d) An incorporated unit of a national veterans'~~
10 ~~organization may transfer its club license to its affiliated~~
11 ~~organization as long as, in addition to fulfilling all the~~
12 ~~requirements pertaining to the transfer of club licenses, the~~
13 ~~state department of the national veterans' organization provides~~
14 ~~the board with written approval for such a transfer. The license~~
15 ~~shall be suspended or rescinded upon the suspension or~~
16 ~~revocation of the charter of the affiliated incorporated unit of~~
17 ~~the national veterans' organization. The license shall also be~~
18 ~~rescinded upon request of the state department of the national~~
19 ~~veterans' organization or if the affiliated organization's~~
20 ~~affiliation with the incorporated unit of the national veterans'~~
21 ~~organization is severed.~~

22 ~~(e) Only one club license may be issued to the incorporated~~
23 ~~unit of the national veterans' organization, and the board may~~
24 ~~not issue a license to an incorporated unit of a national~~
25 ~~veterans' organization if any of the unit's affiliated~~
26 ~~organizations holds a club license.~~

27 ~~(f) For purposes of this section, a municipality which~~
28 ~~permits the issuance of club liquor licenses to incorporated~~
29 ~~units of national veterans' organizations also permits the~~
30 ~~transfer of such licenses to an affiliated organization of the~~

~~incorporated unit of the national veterans' organization.~~

~~(g) An incorporated unit of a national veterans' association or an affiliated organization which has its license suspended or rescinded or its request for transfer denied under this section may request a hearing before a hearing examiner under section 464. The board may not consider the propriety of the state department of the national veterans' organization's decision to suspend the charter, revoke the charter or refuse to approve the transfer. The written request from the state department of the national veterans' organization, standing alone, is admissible evidence at the board hearing. An appeal of the board's decision may be taken under section 464, except that the appeal shall not act as a supersedeas of the board's decision.~~

~~Section 17. Section 468(a) and (c) of the act are amended to read:~~

~~Section 468. Licenses Not Assignable; Transfers. (a) (1) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee [and the execution of a new bond], is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, and if the applicant is a unit of a nonprofit nationally chartered club, the board is hereby authorized to transfer such license to a place in any other municipality within the same county if the sale of liquor or malt and brewed beverages are legal in such other municipality as the board may determine. Prior to the approval of an application for transfer by a unit of a nonprofit nationally chartered club the board shall make an affirmative finding, upon proof submitted by the applicant, and after investigation by the~~

1 board, that at the time the application for transfer is made the
2 club continues to hold a valid national charter and continues to
3 function in fact as a club as defined in section 102. The board,
4 in its discretion, may transfer an existing restaurant retail
5 dispenser or club license from one municipality to another in
6 the same county regardless of the quota limitations provided for
7 in this act, if sales of liquor or malt and brewed beverages are
8 legal in such other municipality and if the restaurant retail
9 dispenser or club lost the use of the building in which it was
10 located due to governmental exercise of the right of eminent
11 domain and no other suitable building can be found in the first
12 municipality.

13 ~~(2) (i) The board, in its discretion, may transfer an~~
14 ~~existing restaurant liquor license or a retail dispenser license~~
15 ~~from one municipality to another municipality of the same county~~
16 ~~or in a contiguous county regardless of the quota limitations~~
17 ~~provided for in this act, if:~~

18 ~~(A) sales of liquor or malt and brewed beverages are legal~~
19 ~~in such other municipality;~~

20 ~~(B) the location in the same county or a contiguous county~~
21 ~~is an indoor bowling center; and~~

22 ~~(C) the restaurant liquor license or a retail dispenser~~
23 ~~license is currently located in an area which has been~~
24 ~~designated as blighted.~~

25 ~~(ii) for purposes of this subsection, a property shall be~~
26 ~~determined to be blighted if it is any of the following:~~

27 ~~(A) real property within or outside a certified~~
28 ~~redevelopment area determined to be blighted property under the~~
29 ~~act of May 24, 1945 (P.L.991, No.385), known as the "Urban~~
30 ~~Redevelopment Law";~~

~~(B) any property declared to be blighted by a Pennsylvania local government or its agency; or~~

~~(C) any property which is located within a redevelopment area, when one of the stated purposes of designation as a redevelopment area is to remove blight, designated by a local government or its agencies under the "Urban Redevelopment Law."~~

~~(iii) A restaurant liquor license or a retail dispenser license which is transferred to an indoor bowling center may not be transferred again for five years unless that transfer is in conjunction with the sale of the bowling business. In the case of distributor and importing distributor licenses, the board may transfer any such license from its place in a municipality to a place in any other municipality within the same county, or from one place to another place within the same municipality, or exchange a distributor license for an importing distributor license or an importing distributor license for a distributor license, if the building for which the license is to be issued has, in the case of an importing distributor license, an area under one roof of two thousand five hundred square feet and, in the case of a distributor license, an area under one roof of one thousand square feet. And provided, That, in the case of all transfers of distributor or importing distributor licenses, whether from a place within the same municipality to another place within the same municipality or from a place in a municipality to a place in any other municipality within the same county, and, in the case of an exchange of a distributor license for an importing distributor license or an importing distributor license for a distributor license, the premises to be affected by the transfer or exchange shall contain an office separate and apart from the remainder of the premises to be~~

1 ~~licensed for the purpose of keeping records, required by the~~
2 ~~board, adequate toilet facilities for employes of the licensee~~
3 ~~and an entrance on a public thoroughfare: Provided, however,~~
4 ~~That in the event that the majority of the voting electors of a~~
5 ~~municipality, at an election held under the provisions of any~~
6 ~~law so empowering them to do, shall vote against the issuance of~~
7 ~~distributor or importing distributor licenses in such~~
8 ~~municipality, the board is hereby authorized to transfer any~~
9 ~~such distributor or importing distributor license from its place~~
10 ~~in such municipality to a place in any other municipality within~~
11 ~~the same county, upon application prior to the expiration of any~~
12 ~~such license and upon payment of the transfer filing fee [and~~
13 ~~the execution of a new bond]; but no transfer shall be made to a~~
14 ~~person who would not have been eligible to receive the license~~
15 ~~originally nor for the transaction of business at a place for~~
16 ~~which the license could not lawfully have been issued~~
17 ~~originally, nor, except as herein provided, to a place as to~~
18 ~~which a license has been revoked.~~

19 ~~(3) No license shall be transferred to any place or property~~
20 ~~upon which is located as a business the sale of liquid fuels and~~
21 ~~oil. Except in cases of emergency such as death, serious~~
22 ~~illness, or circumstances beyond the control of the licensee, as~~
23 ~~the board may determine such circumstances to justify its~~
24 ~~action, transfers of licenses may be made only at times fixed by~~
25 ~~the board. In the case of the death of a licensee, the board may~~
26 ~~transfer the license to the surviving spouse or personal~~
27 ~~representative or to a person designated by him. From any~~
28 ~~refusal to grant a transfer or upon the grant of any transfer,~~
29 ~~the party aggrieved shall have the right of appeal to the proper~~
30 ~~court in the manner hereinbefore provided.~~

1 * * *

2 ~~(c) (1) The term "nonprofit nationally chartered club" shall~~
3 ~~mean any club which does not contemplate pecuniary gain or~~
4 ~~profit, incidental or otherwise, having a national charter.~~

5 ~~(2) The term "unit of a nonprofit nationally chartered club"~~
6 ~~shall mean any post, branch, lodge or other subordinate unit of~~
7 ~~a nonprofit nationally chartered club.~~

8 ~~(3) The term "indoor bowling center" shall mean an enclosed~~
9 ~~facility of at least fourteen thousand square feet with a~~
10 ~~minimum of eighteen bowling lanes and which has as its primary~~
11 ~~focus the offering of bowling as a recreational activity to the~~
12 ~~general public.~~

13 * * *

14 ~~Section 18. Sections 469 and 470 of the act, amended April~~
15 ~~29, 1994 (P.L.212, No.30), are amended to read:~~

16 ~~Section 469. Applications for Transfers; Fees. (a) Every~~
17 ~~applicant for a transfer of a license under the provisions of~~
18 ~~this article shall file a written application with the board,~~
19 ~~together with a filing fee as prescribed in section 614 A of the~~
20 ~~act of April 9, 1929 (P.L.177, No.175), known as "The~~
21 ~~Administrative Code of 1929." [Each such applicant shall also~~
22 ~~file an approved bond for each year of a licensing period as~~
23 ~~required on original applications for such licenses.]~~

24 ~~(b) Whenever any license is transferred, no license or other~~
25 ~~fees shall be required from the persons to whom such transfer is~~
26 ~~made for the portion of the license period for which the license~~
27 ~~fee has been paid by the transferor, except for transfer fees~~
28 ~~provided in section 614 A of "The Administrative Code of 1929."~~

29 ~~Section 470. Renewal of Licenses; Temporary Provisions for~~
30 ~~Licensees in Armed Service. (a) All applications for renewal~~

~~1 of licenses under the provisions of this article shall be filed
2 with [a new bond,] tax clearance from the Department of Revenue
3 and the Department of Labor and Industry and requisite license
4 and filing fees at least sixty days before the expiration date
5 of same: Provided, however, That the board, in its discretion,
6 may accept a renewal application filed less than sixty days
7 before the expiration date of the license with the required
8 [bond and] fees, upon reasonable cause shown and the payment of
9 an additional filing fee of one hundred dollars (\$100.00) for
10 late filing: And provided further, That except where the failure
11 to file a renewal application on or before the expiration date
12 has created a license quota vacancy after said expiration date
13 which has been filled by the issuance of a new license, after
14 such expiration date, but before the board has received a
15 renewal application within the time prescribed herein the board,
16 in its discretion, may, after hearing, accept a renewal
17 application filed within ten months after the expiration date of
18 the license with the required [bond and] fees upon the payment
19 of an additional filing fee of two hundred fifty dollars
20 (\$250.00) for late filing. Where any such renewal application is
21 filed less than sixty days before the expiration date, or
22 subsequent to the expiration date, no license shall issue upon
23 the filing of the renewal application until the matter is
24 finally determined by the board and if an appeal is taken from
25 the board's action the courts shall not order the issuance of
26 the renewal license until final determination of the matter by
27 the courts. A renewal application will not be considered filed
28 unless accompanied by [a new bond and] the requisite filing and
29 license fees and any additional filing fee required by this
30 section. Unless the board shall have given ten days' previous~~

1 notice to the applicant of objections to the renewal of his
2 license, based upon violation by the licensee or his servants,
3 agents or employes of any of the laws of the Commonwealth or
4 regulations of the board relating to the manufacture,
5 transportation, use, storage, importation, possession or sale of
6 liquors, alcohol or malt or brewed beverages, or the conduct of
7 a licensed establishment, or unless the applicant has by his own
8 act become a person of ill repute, or unless the premises do not
9 meet the requirements of this act or the regulations of the
10 board, the license of a licensee shall be renewed.

11 ~~(a.1) The Director of the Bureau of Licensing may object to~~
12 ~~a properly filed license application:~~

13 ~~(1) if the licensee, its shareholders, directors, officers,~~
14 ~~association members, servants, agents or employes have violated~~
15 ~~any of the laws of this Commonwealth or any of the regulations~~
16 ~~of the board;~~

17 ~~(2) if the licensee has one or more adjudicated citations;~~

18 ~~(3) if the licensed premises no longer meets the~~
19 ~~requirements of this act or the board's regulations; or~~

20 ~~(4) due to the manner in which the licensed premises is~~
21 ~~being operated, the board can consider activity occurring on or~~
22 ~~about the licensed premises or in areas under licensee's~~
23 ~~control, if there is a relationship between the activity outside~~
24 ~~the premises and the manner in which the licensed premises is~~
25 ~~operated. The board may take into consideration whether the~~
26 ~~licensee has taken any substantial steps to address the activity~~
27 ~~occurring on or about the premises.~~

28 ~~(a.2) The board shall only refuse to renew a license~~
29 ~~application if the Bureau of Licensing gives the applicant at~~
30 ~~least ten days' notice, stating the basis for the objection;~~

~~otherwise, the board must renew the license after receiving a properly filed renewal application.~~

~~(b) In cases where a licensee or his servants, agents or employes are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, and where the board has on file in such cases reports of enforcement officers or investigators of the enforcement bureau or from other sources that a licensee or his servants, agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license, notwithstanding such alleged violations, but such renewal license may be revoked if and when the licensee or any of his servants, agents or employes are convicted of or plead guilty to violations under the previous license, as aforesaid, or if and when such previous license is for any reason revoked.~~

~~In the event such renewal license is revoked by the board, neither the license fee paid for such license nor any part thereof shall be returned to the licensee[, but the license bond filed with the application for such renewal of license shall not be forfeited].~~

~~Section 19. Section 471(b) of the act is amended to read:~~

~~Section 471. Revocation and Suspension of Licenses; Fines.~~

~~* * *~~

~~(b) Hearing on such citations shall be held in the same manner as provided herein for hearings on applications for~~

~~1 license. Upon such hearing, if satisfied that any such violation~~
~~2 has occurred or for other sufficient cause, the administrative~~
~~3 law judge shall immediately suspend or revoke the license, or~~
~~4 impose a fine of not less than fifty dollars (\$50) nor more than~~
~~5 one thousand dollars (\$1,000), or both, notifying the licensee~~
~~6 by registered letter addressed to his licensed premises. If the~~
~~7 licensee has been cited and found to have violated section~~
~~8 493(1) insofar as it relates to sales to minors, section 493(10)~~
~~9 insofar as it relates to lewd, immoral or improper entertainment~~
~~10 or section 493(14), (16) or (21), or has been found to be a~~
~~11 public nuisance pursuant to section 611, or if the owner or~~
~~12 operator of the licensed premises or any authorized agent of the~~
~~13 owner or operator has been convicted of any violation of the act~~
~~14 of April 14, 1972 (P.L.233, No.64), known as "The Controlled~~
~~15 Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. §~~
~~16 5902 (relating to prostitution and related offenses) or 6301~~
~~17 (relating to corruption of minors), at or relating to the~~
~~18 licensed premises, the administrative law judge shall~~
~~19 immediately suspend or revoke the license, or impose a fine of~~
~~20 not less than one thousand dollars (\$1,000) nor more than five~~
~~21 thousand dollars (\$5,000), or both. The administrative law judge~~
~~22 shall notify the licensee by registered mail, addressed to the~~
~~23 licensed premises, of such suspension, revocation or fine. [The~~
~~24 increased civil penalty imposed by this subsection shall not be~~
~~25 used to require any licensee to increase the amount of the bond~~
~~26 required by this act.] In the event the fine is not paid within~~
~~27 twenty days of the adjudication, the administrative law judge~~
~~28 shall suspend or revoke the license, notifying the licensee by~~
~~29 registered mail addressed to the licensed premises. Suspensions~~
~~30 and revocations shall not go into effect until thirty days have~~

~~1 elapsed from the date of the adjudication during which time the
2 licensee may take an appeal as provided for in this act. [When a
3 license is revoked, the licensee's bond may be forfeited.] Any
4 licensee whose license is revoked shall be ineligible to have a
5 license under this act until the expiration of three years from
6 the date such license was revoked. In the event a license is
7 revoked, no license shall be granted for the premises or
8 transferred to the premises in which the said license was
9 conducted for a period of at least one year after the date of
10 the revocation of the license conducted in the said premises,
11 except in cases where the licensee or a member of his immediate
12 family is not the owner of the premises, in which case the board
13 may, in its discretion, issue or transfer a license within the
14 said year. In the event the bureau or the person who was fined
15 or whose license was suspended or revoked shall feel aggrieved
16 by the adjudication of the administrative law judge, there shall
17 be a right to appeal to the board. The appeal shall be based
18 solely on the record before the administrative law judge. The
19 board shall affirm the decision of the administrative law judge
20 if it is based on substantial evidence; otherwise, the board
21 shall reverse the decision of the administrative law judge. In
22 the event the bureau or the person who was fined or whose
23 license was suspended or revoked shall feel aggrieved by the
24 decision of the board, there shall be a right to appeal to the
25 court of common pleas in the same manner as herein provided for
26 appeals from refusals to grant licenses. Each of the appeals
27 shall act as a supersedeas unless, upon sufficient cause shown,
28 the reviewing authority shall determine otherwise; however, if
29 the licensee has been cited and found to have violated section
30 493(1) insofar as it relates to sales to minors, section 493(10)~~

1 ~~insofar as it relates to lewd, immoral or improper entertainment~~
2 ~~or section 493(14), (16) or (21), or has been found to be a~~
3 ~~public nuisance pursuant to section 611, or if the owner or~~
4 ~~operator of the licensed premises or any authorized agent of the~~
5 ~~owner or operator has been convicted of any violation of "The~~
6 ~~Controlled Substance, Drug, Device and Cosmetic Act," or of 18~~
7 ~~Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,~~
8 ~~its appeal shall not act as a supersedeas unless the reviewing~~
9 ~~authority determines otherwise upon sufficient cause shown. In~~
10 ~~any hearing on an application for a supersedeas under this~~
11 ~~section, the reviewing authority may consider, in addition to~~
12 ~~other relevant evidence, documentary evidence, including records~~
13 ~~of the bureau, showing the prior history of citations, fines,~~
14 ~~suspensions or revocations against the licensee; and the~~
15 ~~reviewing authority may also consider, in addition to other~~
16 ~~relevant evidence, evidence of any recurrence of the unlawful~~
17 ~~activity occurring between the date of the citation which is the~~
18 ~~subject of the appeal and the date of the hearing. No penalty~~
19 ~~provided by this section shall be imposed for any violations~~
20 ~~provided for in this act unless the bureau notifies the licensee~~
21 ~~of its nature within thirty days of the completion of the~~
22 ~~investigation.~~

23 * * *

24 Section 20. ~~Section 478 of the act, added October 5, 1994~~
25 ~~(P.L.522, No.77), is amended to read:~~

26 Section 478. ~~Renewal of Amusement Permit.~~ (a) ~~Upon the~~
27 ~~annual review of the operating history of a licensee prior to~~
28 ~~the validation period or the periodic renewal of the license,~~
29 ~~the Director of the Bureau of Licensing shall have the authority~~
30 ~~to state objection to the renewal of the amusement permit as~~

1 required by section 493(10). Such objection shall be based upon
2 the operating history, and notice shall be provided to the
3 licensee in writing, by certified mail, at the address listed on
4 the license. Upon the completion of any hearing conducted
5 concerning the renewal of the amusement permit pursuant to
6 section 464, the board may, in its opinion, refuse to renew the
7 amusement permit.

8 ~~(a.1) Every licensee, except clubs, that wishes to have~~
9 ~~adult entertainment shall be required to obtain an amusement~~
10 ~~permit required by section 493(10) and an adult entertainment~~
11 ~~permit required by this subsection. Adult entertainment~~
12 ~~includes, but is not limited to: go go dancing, striptease~~
13 ~~dancing, mud wrestling and jello wrestling and is subject to the~~
14 ~~restrictions in section 493(10). The fee for the adult~~
15 ~~entertainment permit shall be two thousand dollars (\$2,000) per~~
16 ~~year and shall be renewed and/or validated in the same manner as~~
17 ~~amusement permits. Protests may be filed against the issuance of~~
18 ~~the adult entertainment permits by any church, hospital,~~
19 ~~charitable institution, school or public playground within three~~
20 ~~hundred feet, any other premises licensed by the board within~~
21 ~~two hundred feet, residents within five hundred feet and/or the~~
22 ~~municipality in which the premises is located. The procedures~~
23 ~~for protests shall be the same as those for protests of transfer~~
24 ~~applications. A hearing will be held upon the filing of a valid~~
25 ~~protest. Posting of the application shall be required and~~
26 ~~conducted in the manner described in the board's regulations for~~
27 ~~notice posting. The Director of the Bureau of Licensing shall~~
28 ~~have the authority to object to the issuance or renewal of such~~
29 ~~permit based upon licensee's operating history, and notice shall~~
30 ~~be provided to the licensee in writing by certified mail at the~~

1 ~~address provided. Upon completion of any hearing conducted~~
2 ~~concerning the initial granting of an adult entertainment permit~~
3 ~~pursuant to section 464, the board may, in its discretion, grant~~
4 ~~or refuse such permit if the applicant's premises are located~~
5 ~~within three hundred feet of any church, hospital, charitable~~
6 ~~institution, school or public playground or within two hundred~~
7 ~~feet of any other premises licensed by the board. The board~~
8 ~~shall refuse to issue or renew such permit if, in the board's~~
9 ~~opinion, it would be detrimental to the welfare, health, peace~~
10 ~~and morals of the residents within a radius of five hundred feet~~
11 ~~of the premises.~~

12 ~~(b) [In cases where the board refuses to renew the amusement~~
13 ~~permit of any licensee, the licensee or the applicant or manager~~
14 ~~or person with a majority or controlling interest of either in~~
15 ~~the operation of this or any other license may not again be~~
16 ~~eligible to receive a new permit from the board until the~~
17 ~~expiration of a period of up to two years from the final~~
18 ~~adjudication on such matter based upon board opinion.] In cases~~
19 ~~where the board refuses to renew the amusement or adult~~
20 ~~entertainment permit of any licensee, the licensee or the~~
21 ~~applicant or manager or person with a majority or controlling~~
22 ~~interest of either in the operation of this or any other license~~
23 ~~may not again be eligible to receive a new permit from the board~~
24 ~~until the expiration of a period of up to two years from the~~
25 ~~final adjudication on such matter based upon board opinion.~~

26 ~~(c) Any appeal to court filed by a licensee pursuant to~~
27 ~~section 464 concerning the renewal of a permit shall act as~~
28 ~~supersedeas unless upon sufficient cause shown the reviewing~~
29 ~~authority determines otherwise. Upon the filing of a motion by~~
30 ~~the board to vacate supersedeas, the reviewing authority shall~~

1 ~~rule on the motion forthwith.~~

2 ~~Section 21. Sections 492(8) and 493(10) of the act, amended~~
3 ~~April 29, 1994 (P.L.212, No.30), are amended to read:~~

4 ~~Section 492. Unlawful Acts Relative to Malt or Brewed~~
5 ~~Beverages and Licensees.~~

6 ~~It shall be unlawful—~~

7 ~~* * *~~

8 ~~(8) Transportation of Malt or Brewed Beverages. For any~~
9 ~~person, to transport malt or brewed beverages except in the~~
10 ~~original containers, or to transport malt or brewed beverages~~
11 ~~for another who is engaged in selling either liquor or malt or~~
12 ~~brewed beverages, unless such person shall hold (a) a license to~~
13 ~~transport for hire, alcohol, liquor and malt or brewed~~
14 ~~beverages, as hereinafter provided in this act, or (b) shall~~
15 ~~hold a permit issued by the board and shall have paid to the~~
16 ~~board such permit fee, as prescribed in section 614 A of the act~~
17 ~~of April 9, 1929 (P.L.177, No.175), known as "The Administrative~~
18 ~~Code of 1929," [and shall have filed with the board a bond in~~
19 ~~the penal sum of not more than two thousand dollars (\$2000) for~~
20 ~~each year of a licensing period, as may be fixed by the rules~~
21 ~~and regulations of the board,] any other law to the contrary~~
22 ~~notwithstanding.~~

23 ~~* * *~~

24 ~~Section 493. Unlawful Acts Relative to Liquor, Malt and~~
25 ~~Brewed Beverages and Licensees. The term "licensee," when used~~
26 ~~in this section, shall mean those persons licensed under the~~
27 ~~provisions of Article IV, unless the context clearly indicates~~
28 ~~otherwise.~~

29 ~~It shall be unlawful—~~

30 ~~* * *~~

~~(10) Entertainment on Licensed Premises (Except Clubs);~~

~~Permits; Fees. For any licensee, his servants, agents or employees, except club licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The board shall have power to provide for the issue of such special permits, and to collect an annual fee for such permits as prescribed in section 614 A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license. For the purpose of this clause "lewd," "immoral" or "improper entertainment" shall mean:~~

~~(i) Employment or use of any person while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.~~

~~(ii) Employment or use of any person who touches, caresses or fondles the breast, buttocks, anus or genitals of any other person, or who is so touched, caressed or fondled by another person.~~

~~(iii) Employment or use of any person to wear or use any device or covering, exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.~~

~~(iv) Employment or use of any person to perform acts of or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.~~

~~(v) The showing of films, still pictures, electronic reproductions, or other visual reproductions depicting:~~

~~(A) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.~~

~~(B) Any person being touched, caressed or fondled on the breasts, buttocks, anus or the genitals.~~

~~(C) Scenes wherein a person displays the vulva or the anus or the genitals.~~

~~(D) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in this clause.~~

~~Section 22. Sections 504, 505 and 514 of the act are amended to read:~~

~~Section 504. Applications; Filing Fees. (a) Every applicant for a license under this article shall file with the board a written application in such form as the board shall from time to time require. Every such application shall be accompanied by a filing fee of twenty dollars (\$20), the~~

1 ~~prescribed license fee [and the bond hereinafter specified,] and~~
2 ~~shall set forth.~~

3 ~~(1) The legal names of the applicant and of the owner of the~~
4 ~~place where business under the license will be carried on, with~~
5 ~~their residence addresses by street and number, if a~~
6 ~~partnership, of each separate partner, and if a corporation, of~~
7 ~~each individual officer thereof.~~

8 ~~(2) The exact location of said place of business and of~~
9 ~~every place to be occupied or used in connection with such~~
10 ~~business, the productive capacity of each plant where any~~
11 ~~alcohol or liquor is to be manufactured, produced, distilled,~~
12 ~~rectified, blended, developed or used in the process of~~
13 ~~manufacture, denatured, redistilled, recovered, reused, the~~
14 ~~capacity of every warehouse or other place where such alcohol or~~
15 ~~liquor or malt or brewed beverage is to be held in bond or~~
16 ~~stored for hire or the equipment to be used where a~~
17 ~~transportation business is to be carried on under the license.~~

18 ~~(3) That each and every one of the applicants is a citizen~~
19 ~~of the United States of America.~~

20 ~~(4) Such other relevant information as the board shall from~~
21 ~~time to time require by rule or regulation.~~

22 ~~(b) Each application must be verified by affidavit of the~~
23 ~~applicant made before any officer legally qualified to~~
24 ~~administer oaths, and if any false statement is wilfully made in~~
25 ~~any part of said application, the applicant or applicants shall~~
26 ~~be deemed guilty of a misdemeanor and, upon conviction, shall be~~
27 ~~subject to the penalties provided by this article.~~

28 ~~Section 505. Licenses Issued. Upon receipt of the~~
29 ~~application in the form herein provided[, and the proper fees~~
30 ~~{and an approved bond as herein designated}, the board may grant~~

1 ~~to such applicant a license to engage in, (a) the operation of a~~
2 ~~limited winery or a winery; or, (b) the manufacturing,~~
3 ~~producing, distilling, developing, or using in the process of~~
4 ~~manufacturing, denaturing, redistilling, recovering, rectifying,~~
5 ~~blending and reusing of alcohol and liquor; or, (c) the holding~~
6 ~~in bond of alcohol and liquor; or, (d) the holding in storage,~~
7 ~~as bailee for hire, of alcohol, liquor and malt or brewed~~
8 ~~beverages; or, (e) the transporting for hire of alcohol, liquor~~
9 ~~and malt or brewed beverages.~~

10 ~~Section 514. Suspension and Revocation of Licenses. (a)~~
11 ~~Upon learning of any violation of this act or of any rule or~~
12 ~~regulation promulgated by the board under the authority of this~~
13 ~~act, or any violation of any laws of this Commonwealth or of the~~
14 ~~United States of America relating to the tax payment of alcohol,~~
15 ~~liquor or malt or brewed beverages by the holder of a license~~
16 ~~issued under the provisions of this article, or upon other~~
17 ~~sufficient cause, the enforcement bureau may, within one year~~
18 ~~from the date of such violation or cause appearing, cite such~~
19 ~~licensee to appear before an administrative law judge not less~~
20 ~~than ten (10) nor more than sixty (60) days from the date of~~
21 ~~sending such licensee, by registered mail, a notice addressed to~~
22 ~~his licensed premises, to show cause why the license should not~~
23 ~~be suspended or revoked. Hearings on such citations shall be~~
24 ~~held in the same manner as provided herein for hearings on~~
25 ~~applications for license. And upon such hearing, if satisfied~~
26 ~~that any such violation has occurred or for other sufficient~~
27 ~~cause, the administrative law judge shall immediately suspend or~~
28 ~~revoke such license, notifying the licensee thereof by~~
29 ~~registered letter addressed to his licensed premises, or to the~~
30 ~~address given in his application where no licensed premises is~~

1 ~~maintained in Pennsylvania.~~

2 ~~(b) [When a license is revoked, the licensee's bond may be~~
3 ~~forfeited.] Any licensee whose license is revoked shall be~~
4 ~~ineligible to have a license under this act or under any other~~
5 ~~act relating to alcohol, liquor or malt or brewed beverages~~
6 ~~until the expiration of three (3) years from the date such~~
7 ~~license was revoked. In the event of a revocation, no license~~
8 ~~shall be granted for the premises or transferred to the premises~~
9 ~~in which said license was conducted for a period of at least one~~
10 ~~(1) year after the date of the revocation of the license~~
11 ~~conducted in the said premises, except in cases where the~~
12 ~~licensee or a member of his immediate family is not the owner of~~
13 ~~the premises, in which case the board may, in its discretion,~~
14 ~~issue or transfer a license within said year. Such hearing~~
15 ~~before and adjudication by an administrative law judge shall be~~
16 ~~in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to~~
17 ~~practice and procedure of Commonwealth agencies).~~

18 ~~Section 23. Section 517 of the act, amended April 29, 1994~~
19 ~~(P.L.212, No.30), is amended to read:~~

20 ~~Section 517. Expiration of Licenses; Renewals. All licenses~~
21 ~~issued under this article shall expire at the close of the~~
22 ~~license period, but new licenses for the succeeding license~~
23 ~~period shall be issued upon written application therefor, duly~~
24 ~~verified by affidavit, stating that the facts in the original~~
25 ~~application are unchanged, and upon payment of the fee as~~
26 ~~hereinafter provided [and the furnishing of a new bond], without~~
27 ~~the filing of further statements or the furnishing of any~~
28 ~~further information unless specifically requested by the board.~~
29 ~~Provided, however, That any such license issued to a corporation~~
30 ~~shall expire thirty (30) days after any change in the officers~~

1 ~~of such corporation, unless the name and address of each such~~
2 ~~new officer of such corporation shall, within that period, be~~
3 ~~reported to the board by certificate, duly verified.~~
4 ~~Applications for renewals must be made not less than thirty (30)~~
5 ~~nor more than sixty (60) days before the expiration of the~~
6 ~~license period. All applications for renewal received otherwise~~
7 ~~shall be treated as original applications.~~

8 ~~Section 24. Section 802(g) of the act, amended July 11, 1996~~
9 ~~(P.L.654, No.111), is amended to read:~~

10 ~~Section 802. Moneys Paid Into The State Stores Fund for Use~~
11 ~~of the Commonwealth. * * *~~

12 ~~(g) The sum of [five million dollars (\$5,000,000)] seventeen~~
13 ~~million dollars (\$17,000,000) shall be transferred from The~~
14 ~~State Stores Fund in accordance with subsection (f) to the~~
15 ~~Children's Health Fund for health care for indigent children~~
16 ~~established by section 1296 of the act of March 4, 1971 (P.L.6,~~
17 ~~No.2), known as the "Tax Reform Code of 1971," to carry out the~~
18 ~~provisions of the act of December 2, 1992 (P.L.741, No.113),~~
19 ~~known as the "Children's Health Care Act," for the fiscal year~~
20 ~~[July 1, 1996, to June 30, 1997] July 1, 1997, to June 30, 1998.~~
21 ~~Funds transferred under this subsection shall not be subject to~~
22 ~~the limitation set forth in section 3101 of the "Children's~~
23 ~~Health Care Act."~~

24 ~~Section 25. This act shall take effect immediately.~~

25 ~~SECTION 1. SECTION 403(A) OF THE ACT OF APRIL 12, 1951~~ <—
26 ~~(P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED~~
27 ~~JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED APRIL 29, 1994~~
28 ~~(P.L.212, NO.30), IS AMENDED TO READ:~~

29 ~~SECTION 403. APPLICATIONS FOR HOTEL, RESTAURANT AND CLUB~~
30 ~~LIQUOR LICENSES.--(A) EVERY APPLICANT FOR A HOTEL LIQUOR~~

1 LICENSE, RESTAURANT LIQUOR LICENSE OR CLUB LIQUOR LICENSE OR FOR
2 THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN
3 LICENSED SHALL FILE A WRITTEN APPLICATION WITH THE BOARD IN SUCH
4 FORM AND CONTAINING SUCH INFORMATION AS THE BOARD SHALL FROM
5 TIME TO TIME PRESCRIBE, WHICH SHALL BE ACCOMPANIED BY A FILING
6 FEE AND AN ANNUAL LICENSE FEE AS PRESCRIBED IN SECTION 614-A OF
7 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
8 ADMINISTRATIVE CODE OF [1929," AND THE BOND HEREINAFTER
9 SPECIFIED.] 1929." EVERY SUCH APPLICATION SHALL CONTAIN A
10 DESCRIPTION OF THAT PART OF THE HOTEL, RESTAURANT OR CLUB FOR
11 WHICH THE APPLICANT DESIRES A LICENSE AND SHALL SET FORTH SUCH
12 OTHER MATERIAL INFORMATION, DESCRIPTION OR PLAN OF THAT PART OF
13 THE HOTEL, RESTAURANT OR CLUB WHERE IT IS PROPOSED TO KEEP AND
14 SELL LIQUOR AS MAY BE REQUIRED BY THE REGULATIONS OF THE BOARD.
15 THE DESCRIPTIONS, INFORMATION AND PLANS REFERRED TO IN THIS
16 SUBSECTION SHALL SHOW THE HOTEL, RESTAURANT, CLUB, OR THE
17 PROPOSED LOCATION FOR THE CONSTRUCTION OF A HOTEL, RESTAURANT OR
18 CLUB, AT THE TIME THE APPLICATION IS MADE, AND SHALL SHOW ANY
19 ALTERATIONS PROPOSED TO BE MADE THERETO, OR THE NEW BUILDING
20 PROPOSED TO BE CONSTRUCTED AFTER THE APPROVAL BY THE BOARD OF
21 THE APPLICATION FOR A LICENSE OR FOR THE TRANSFER OF AN EXISTING
22 LICENSE TO ANOTHER PREMISES NOT THEN LICENSED. NO PHYSICAL
23 ALTERATIONS, IMPROVEMENTS OR CHANGES SHALL BE REQUIRED TO BE
24 MADE TO ANY HOTEL, RESTAURANT OR CLUB, NOR SHALL ANY NEW
25 BUILDING FOR ANY SUCH PURPOSE, BE REQUIRED TO BE CONSTRUCTED
26 UNTIL APPROVAL OF THE APPLICATION FOR LICENSE OR FOR THE
27 TRANSFER OF AN EXISTING LICENSE TO ANOTHER PREMISES NOT THEN
28 LICENSED BY THE BOARD. AFTER APPROVAL OF THE APPLICATION, THE
29 LICENSEE SHALL MAKE THE PHYSICAL ALTERATIONS, IMPROVEMENTS AND
30 CHANGES TO THE LICENSED PREMISES, OR SHALL CONSTRUCT THE NEW

1 BUILDING IN THE MANNER SPECIFIED BY THE BOARD AT THE TIME OF
2 APPROVAL, AND THE LICENSEE SHALL NOT TRANSACT ANY BUSINESS UNDER
3 THE LICENSE UNTIL THE BOARD HAS APPROVED THE COMPLETED PHYSICAL
4 ALTERATIONS, IMPROVEMENTS AND CHANGES TO THE LICENSED PREMISES,
5 OR THE COMPLETED CONSTRUCTION OF THE NEW BUILDING AS CONFORMING
6 TO THE SPECIFICATIONS REQUIRED BY THE BOARD AT THE TIME OF
7 ISSUANCE OR TRANSFER OF THE LICENSE, AND IS SATISFIED THAT THE
8 ESTABLISHMENT IS A RESTAURANT, HOTEL OR CLUB AS DEFINED BY THIS
9 ACT. THE BOARD MAY REQUIRE THAT ALL SUCH ALTERATIONS OR
10 CONSTRUCTION OR CONFORMITY TO DEFINITION BE COMPLETED WITHIN SIX
11 MONTHS FROM THE TIME OF ISSUANCE OR TRANSFER OF THE LICENSE.
12 FAILURE TO COMPLY WITH THESE REQUIREMENTS SHALL BE CONSIDERED
13 CAUSE FOR REVOCATION OF THE LICENSE. NO SUCH LICENSE SHALL BE
14 TRANSFERABLE BETWEEN THE TIME OF ISSUANCE OR TRANSFER OF THE
15 LICENSE AND THE APPROVAL OF THE COMPLETED ALTERATIONS OR
16 CONSTRUCTION BY THE BOARD AND FULL COMPLIANCE BY THE LICENSEE
17 WITH THE REQUIREMENTS OF THIS ACT, EXCEPT IN THE CASE OF DEATH
18 OF THE LICENSEE PRIOR TO FULL COMPLIANCE WITH ALL OF THE
19 AFOREMENTIONED REQUIREMENTS, IN WHICH EVENT, THE LICENSE MAY BE
20 TRANSFERRED BY THE BOARD AS PROVIDED IN THIS ACT.

21 * * *

22 SECTION 2. SECTION 404 OF THE ACT, AMENDED APRIL 29, 1994
23 (P.L.212, NO.30) AND OCTOBER 5, 1994 (P.L.522, NO.77), IS
24 AMENDED TO READ:

25 SECTION 404. ISSUANCE OF HOTEL, RESTAURANT AND CLUB LIQUOR
26 LICENSES.--UPON RECEIPT OF THE APPLICATION[,] AND THE PROPER
27 FEES [AND BOND], AND UPON BEING SATISFIED OF THE TRUTH OF THE
28 STATEMENTS IN THE APPLICATION THAT THE APPLICANT IS THE ONLY
29 PERSON IN ANY MANNER PECUNIARILY INTERESTED IN THE BUSINESS SO
30 ASKED TO BE LICENSED AND THAT NO OTHER PERSON WILL BE IN ANY

1 MANNER PECUNIARILY INTERESTED THEREIN DURING THE CONTINUANCE OF
2 THE LICENSE, EXCEPT AS HEREINAFTER PERMITTED, AND THAT THE
3 APPLICANT IS A PERSON OF GOOD REPUTE, THAT THE PREMISES APPLIED
4 FOR MEET ALL THE REQUIREMENTS OF THIS ACT AND THE REGULATIONS OF
5 THE BOARD, THAT THE APPLICANT SEEKS A LICENSE FOR A HOTEL,
6 RESTAURANT OR CLUB, AS DEFINED IN THIS ACT, AND THAT THE
7 ISSUANCE OF SUCH LICENSE IS NOT PROHIBITED BY ANY OF THE
8 PROVISIONS OF THIS ACT, THE BOARD SHALL, IN THE CASE OF A HOTEL
9 OR RESTAURANT, GRANT AND ISSUE TO THE APPLICANT A LIQUOR
10 LICENSE, AND IN THE CASE OF A CLUB MAY, IN ITS DISCRETION, ISSUE
11 OR REFUSE A LICENSE: PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
12 NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION THE
13 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
14 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
15 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
16 INSTITUTION, SCHOOL, OR PUBLIC PLAYGROUND, OR IF SUCH NEW
17 LICENSE OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO
18 HUNDRED FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE
19 BOARD: AND PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY
20 APPLICATION FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO
21 A NEW LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
22 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
23 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
24 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED: AND
25 PROVIDED FURTHER, THAT PRIOR TO JULY 1, 1996, IN ANY LICENSE
26 DISTRICT IN A CITY OF THE FIRST CLASS, THE BOARD MAY, IN ITS
27 OPINION, REFUSE ANY APPLICATION FOR A NEW LICENSE OR FOR ANY
28 PERSON-TO-PERSON TRANSFER WHICH SHALL INCLUDE A CHANGE IN
29 STOCKHOLDERS INVOLVING TEN PER CENTUM OR MORE OF ALL OUTSTANDING
30 VOTING STOCK AND/OR LESS THAN TEN PER CENTUM OF ALL OUTSTANDING

1 VOTING STOCK WHEN SUCH CHANGE INVOLVES A MAJORITY OR CONTROLLING
2 INTEREST, OF ANY LICENSE IF THE LICENSED PREMISES IS OR WOULD BE
3 WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
4 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND OR WITHIN TWO HUNDRED
5 FEET OF ANY OTHER PREMISES LICENSED BY THE BOARD AND IF, IN THE
6 OPINION OF THE BOARD, THE LICENSED PREMISES IS OR WOULD BE
7 DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND MORALS OF SUCH
8 CHURCH, HOSPITAL, SCHOOL, PUBLIC PLAYGROUND AND/OR THE
9 INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED
10 FEET OF THE LICENSED PREMISES. THIS AUTHORITY TO REFUSE A
11 PERSON-TO-PERSON TRANSFER IN A CITY OF THE FIRST CLASS IS IN
12 ADDITION TO AND NOT IN DEROGATION OF THE AUTHORITY OF THE BOARD
13 GENERALLY STATED FOR ALL AREAS OF THIS COMMONWEALTH: AND
14 PROVIDED FURTHER, THAT THE BOARD SHALL HAVE THE DISCRETION TO
15 REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,
16 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR
17 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH
18 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND
19 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY
20 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE. THE
21 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
22 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
23 FUELS OR OIL IS CONDUCTED. UPON ANY OPENING IN ANY QUOTA, AN
24 APPLICATION FOR A NEW LICENSE SHALL ONLY BE FILED WITH THE BOARD
25 FOR A PERIOD OF SIX MONTHS FOLLOWING SAID OPENING.

26 SECTION 3. SECTIONS 405(E) AND 408(C) AND (D) OF THE ACT,
27 AMENDED APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

28 SECTION 405. LICENSE FEES.--* * *

29 (E) EVERY APPLICATION FOR A RESTAURANT LIQUOR LICENSE FOR A
30 NONPRIMARY PARI-MUTUEL WAGERING LOCATION OR A RACETRACK SHALL BE

1 ACCOMPANIED BY AN APPLICANT'S FEE OF FIVE THOUSAND DOLLARS
2 (\$5,000) [AND A BOND IN THE PENAL SUM OF TWO THOUSAND DOLLARS
3 (\$2,000)] FOR THE FIRST YEAR OF A LICENSING PERIOD. THEREAFTER,
4 THE NONPRIMARY PARI-MUTUEL WAGERING LOCATION OR THE RACETRACK
5 SHALL BE SUBJECT TO THE ABOVE STATED FEES FOR RESTAURANT
6 LICENSES [AND THE FILING OF A BOND IN THE AMOUNT OF TWO THOUSAND
7 DOLLARS (\$2,000)] FOR EACH YEAR OF A LICENSING PERIOD.

8 SECTION 408. PUBLIC SERVICE LIQUOR LICENSES.--* * *

9 (C) EVERY APPLICANT FOR A PUBLIC SERVICE LIQUOR LICENSE
10 SHALL [FILE WITH THE BOARD A SURETY BOND AS HEREINAFTER
11 PRESCRIBED,] PAY TO THE BOARD FOR EACH OF THE MAXIMUM NUMBER OF
12 DINING, CLUB OR BUFFET CARS WHICH THE APPLICANT ESTIMATES IT
13 WILL HAVE IN OPERATION ON ANY ONE DAY AN ANNUAL FEE AS
14 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
15 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

16 (D) UNLESS PREVIOUSLY REVOKED, EVERY LICENSE ISSUED BY THE
17 BOARD UNDER THIS SECTION SHALL EXPIRE IF THE ANNUAL FEE IS NOT
18 TIMELY PAID OR ON THE LAST DAY OF THE LICENSE PERIOD FOR WHICH
19 THE LICENSE IS ISSUED. LICENSES ISSUED UNDER THE PROVISIONS OF
20 THIS SECTION SHALL BE RENEWED AS HEREIN PROVIDED, UPON THE
21 FILING OF APPLICATIONS IN SUCH FORM AS THE BOARD SHALL
22 PRESCRIBE, BUT NO LICENSE SHALL BE RENEWED UNTIL THE APPLICANT
23 [SHALL FILE WITH THE BOARD A NEW SURETY BOND AND] SHALL PAY THE
24 REQUISITE LICENSE FEE.

25 * * *

26 SECTION 4. SECTIONS 408.1(F), 408.2(F) AND 408.3(F) OF THE
27 ACT ARE AMENDED TO READ:

28 SECTION 408.1. TRADE SHOW AND CONVENTION LICENSES.--* * *

29 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
30 APPLICANT FOR A TRADE SHOW AND CONVENTION LICENSE PURSUANT TO

SECTION 465 OF THIS ARTICLE SHALL BE TWO THOUSAND DOLLARS (\$2,000) AND IN ADDITION THERETO HE SHALL FILE AN ADDITIONAL BOND IN A SUM TO ASSURE PAYMENT OF ANY SUSPENSION OF LICENSE UP TO ONE HUNDRED DAYS.]

* * *

SECTION 408.2. CITY-OWNED STADIA.--* * *

[(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN APPLICANT FOR A STADIUM LICENSE PURSUANT TO SECTION 465 OF THE "LIQUOR CODE" SHALL BE TWO THOUSAND DOLLARS (\$2,000) AND IN ADDITION THERETO HE SHALL FILE AN ADDITIONAL BOND IN A SUM TO ASSURE PAYMENT OF ANY FINE IMPOSED BY THE BOARD UP TO ONE THOUSAND DOLLARS (\$1,000).]

* * *

SECTION 408.3. PERFORMING ARTS FACILITIES.--* * *

[(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN APPLICANT FOR A PERFORMING ARTS FACILITY PURSUANT TO SECTION 465 OF THE "LIQUOR CODE" SHALL BE TWO THOUSAND DOLLARS (\$2,000).]

* * *

SECTION 5. SECTION 408.6(F) AND (G) OF THE ACT, AMENDED APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

SECTION 408.6. PERFORMING ARTS FACILITIES IN SECOND CLASS A CITIES, THIRD CLASS CITIES, BOROUGH AND TOWNSHIPS OF THE SECOND CLASS LOCATED IN FOURTH CLASS COUNTIES.--* * *

(A.2) THE BOARD IS AUTHORIZED TO ISSUE LICENSES TO OPERATORS OF THEATERS FOR THE PERFORMING ARTS IN TOWNSHIPS OF THE FIRST CLASS LOCATED IN A COUNTY OF THE SECOND CLASS A WHICH ARE PERMANENTLY LOCATED AT A SINGLE SITE AND WHICH HAVE SEATING ACCOMMODATIONS FOR AT LEAST TWO HUNDRED FIFTY PERSONS, EXCEPT WHERE PROHIBITED BY LOCAL OPTION FOR THE RETAIL SALE OF LIQUOR

1 AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER
2 CONTAINER OR IN ANY MIXTURE FOR CONSUMPTION IN ANY SUCH THEATER
3 FOR THE PERFORMING ARTS. NOTWITHSTANDING ANY OTHER PROVISION OF
4 THIS SECTION, LICENSES ISSUED UNDER THIS SUBSECTION MAY NOT BE
5 ISSUED TO CONCESSIONAIRES.

6 * * *

7 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
8 APPLICANT FOR A PERFORMING ARTS FACILITY PURSUANT TO SECTION 465
9 SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH YEAR OF A
10 LICENSING PERIOD.]

11 (G) SALES BY THE HOLDER OF A PERFORMING ARTS FACILITY
12 LICENSE MAY BE MADE EXCEPT TO THOSE PERSONS PROHIBITED UNDER
13 CLAUSE (1) OF SECTION 493 ON BOARD-APPROVED SERVICE AREAS OF THE
14 PREMISES OF SUCH A FACILITY FOR THE PERFORMING ARTS DURING THE
15 HOURS IN WHICH THE PERFORMANCE IS BEING HELD AND UP TO [ONE
16 HOUR] TWO HOURS BEFORE THE SCHEDULED OPENING AND ONE HOUR AFTER
17 THE SCHEDULED CLOSING, BUT SUCH SALES MAY NOT BE MADE BEYOND THE
18 HOURS EXPRESSED IN THE CODE FOR THE SALE OF LIQUOR AND MALT OR
19 BREWED BEVERAGES BY RESTAURANT LICENSEES: PROVIDED, HOWEVER,
20 THAT SUCH SALES MAY BE MADE ON SUNDAY BETWEEN THE HOURS OF ONE
21 O'CLOCK POSTMERIDIAN AND TEN O'CLOCK POSTMERIDIAN, IRRESPECTIVE
22 OF THE VOLUME OF FOOD SALES.

23 * * *

24 SECTION 6. SECTIONS 408.7(F) AND 408.8(F) OF THE ACT,
25 AMENDED APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

26 SECTION 408.7. PERFORMING ARTS FACILITIES IN FIRST AND
27 SECOND CLASS CITIES.--* * *

28 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
29 APPLICANT FOR A PERFORMING ARTS FACILITY PURSUANT TO SECTION 465
30 SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH YEAR OF A

1 LICENSING PERIOD.]

2 * * *

3 SECTION 408.8. TRADE SHOWS AND CONVENTION LICENSES; CITIES
4 OF THE THIRD CLASS.--* * *

5 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
6 APPLICANT FOR A TRADE SHOW OR CONVENTION FACILITY PURSUANT TO
7 SECTION 465 SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH YEAR
8 OF A LICENSING PERIOD.]

9 * * *

10 SECTION 7. SECTION 408.10(F) OF THE ACT, AMENDED OR ADDED
11 JUNE 30, 1992 (P.L.327, NO.66) AND APRIL 29, 1994 (P.L.212,
12 NO.30), IS AMENDED TO READ:

13 SECTION 408.10. RECREATION FACILITIES.--* * *

14 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
15 APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION, PURSUANT TO
16 SECTION 465, SHALL BE TWO THOUSAND DOLLARS (\$2,000) FOR EACH
17 YEAR OF A LICENSING PERIOD, AND IN ADDITION THERETO THE
18 APPLICANT SHALL FILE AN ADDITIONAL BOND IN A SUM TO ASSURE
19 PAYMENT OF ANY FINE IMPOSED BY THE BOARD UP TO ONE THOUSAND
20 DOLLARS (\$1,000).]

21 * * *

22 SECTION 8. SECTIONS 408.11(F), 409(B) AND 410(B) AND (C) OF
23 THE ACT, AMENDED OR ADDED APRIL 29, 1994 (P.L.212, NO.30), ARE
24 AMENDED TO READ:

25 SECTION 408.11. SEASONAL OUTDOOR CAFE.--* * *

26 [(F) THE PENAL SUM OF THE BOND WHICH SHALL BE FILED BY AN
27 APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION, PURSUANT TO
28 SECTION 465, SHALL BE TWO THOUSAND DOLLARS (\$2,000).]

29 * * *

30 SECTION 409. SACRAMENTAL WINE LICENSES; FEES; PRIVILEGES;

1 RESTRICTIONS.--* * *

2 (B) EVERY APPLICANT FOR A SACRAMENTAL WINE LICENSE SHALL
3 FILE A WRITTEN APPLICATION WITH THE BOARD IN SUCH FORM AS THE
4 BOARD SHALL FROM TIME TO TIME PRESCRIBE, WHICH SHALL BE
5 ACCOMPANIED BY A FILING FEE AS PRESCRIBED IN SECTION 614-A OF
6 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
7 ADMINISTRATIVE CODE OF 1929," AND A LICENSE FEE OF ONE HUNDRED
8 DOLLARS[, AND A BOND AS HEREINAFTER PRESCRIBED]. EVERY SUCH
9 APPLICATION SHALL CONTAIN A DESCRIPTION OF THE PREMISES FOR
10 WHICH THE APPLICANT DESIRES A LICENSE AND SHALL SET FORTH SUCH
11 OTHER MATERIAL INFORMATION AS MAY BE REQUIRED BY THE BOARD.

12 * * *

13 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;
14 RESTRICTIONS.--* * *

15 (B) EVERY APPLICANT FOR AN IMPORTER'S LICENSE SHALL FILE A
16 WRITTEN APPLICATION WITH THE BOARD IN SUCH FORM AS THE BOARD
17 SHALL FROM TIME TO TIME PRESCRIBE. THE FILING AND LICENSE FEES
18 SHALL BE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
19 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
20 1929." [THE APPLICANT SHALL FILE A BOND AS HEREINAFTER
21 REQUIRED.] EVERY SUCH APPLICATION SHALL CONTAIN A DESCRIPTION OF
22 THE PRINCIPAL PLACE OF BUSINESS FOR WHICH THE APPLICANT DESIRES
23 A LICENSE AND SHALL SET FORTH SUCH OTHER MATERIAL INFORMATION AS
24 MAY BE REQUIRED BY THE BOARD.

25 (C) THE HOLDER OF AN IMPORTER'S LICENSE MAY HAVE INCLUDED IN
26 SUCH LICENSE ONE WAREHOUSE WHEREIN ONLY HIS LIQUOR MAY BE KEPT
27 AND STORED, LOCATED IN THE SAME MUNICIPALITY IN WHICH HIS
28 LICENSED PREMISES IS SITUATE, AND NOT ELSEWHERE, UNLESS SUCH
29 LICENSEE SECURES FROM THE BOARD A LICENSE FOR EACH ADDITIONAL
30 STORAGE WAREHOUSE DESIRED. THE BOARD IS AUTHORIZED AND EMPOWERED

1 TO ISSUE TO A HOLDER OF AN IMPORTER'S LICENSE A LICENSE FOR AN
2 ADDITIONAL STORAGE WAREHOUSE OR WAREHOUSES LOCATED IN THIS
3 COMMONWEALTH, PROVIDED SUCH LICENSED IMPORTER FILES WITH THE
4 BOARD A SEPARATE APPLICATION FOR EACH WAREHOUSE IN SUCH FORM AND
5 CONTAINING SUCH INFORMATION AS THE BOARD MAY FROM TIME TO TIME
6 REQUIRE. THE FILING AND LICENSE FEES SHALL BE AS PRESCRIBED IN
7 SECTION 614-A OF "THE ADMINISTRATIVE CODE OF 1929." [THE
8 APPLICANT SHALL FILE A BOND OF AN APPROVED SURETY COMPANY IN THE
9 AMOUNT OF TEN THOUSAND DOLLARS FOR EACH YEAR OF A LICENSING
10 PERIOD. SUCH BOND SHALL CONTAIN THE SAME PROVISIONS AND
11 CONDITIONS AS ARE REQUIRED IN THE OTHER LICENSE BONDS UNDER THIS
12 ARTICLE.]

13 * * *

14 SECTION 9. SECTION 431(A), (B) AND (E) OF THE ACT, AMENDED
15 OR ADDED DECEMBER 20, 1996 (P.L.1513, NO.196) AND JUNE 18, 1998
16 (P.L.664, NO.86), ARE AMENDED TO READ:

17 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
18 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--(A) THE
19 BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH
20 OF GOOD REPUTE WHO APPLIES THEREFOR, AND PAYS THE LICENSE FEE
21 HEREINAFTER PRESCRIBED, [AND FILES THE BOND HEREINAFTER
22 REQUIRED,] A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE
23 MALT OR BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER
24 MALT OR BREWED BEVERAGES FROM THE PLACE OF MANUFACTURE ONLY IN
25 ORIGINAL CONTAINERS, IN QUANTITIES OF NOT LESS THAN A CASE OR
26 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
27 OR MORE WHICH MAY BE SOLD SEPARATELY ANYWHERE WITHIN THE
28 COMMONWEALTH. THE APPLICATION FOR SUCH LICENSE SHALL BE IN SUCH
29 FORM AND CONTAIN SUCH INFORMATION AS THE BOARD SHALL REQUIRE.
30 ALL SUCH LICENSES SHALL BE GRANTED FOR A LICENSE PERIOD TO BE

1 DETERMINED BY THE BOARD. EVERY MANUFACTURER SHALL KEEP AT HIS OR
2 ITS PRINCIPAL PLACE OF BUSINESS, WITHIN THE COMMONWEALTH DAILY
3 PERMANENT RECORDS WHICH SHALL SHOW, (1) THE QUANTITIES OF RAW
4 MATERIALS RECEIVED AND USED IN THE MANUFACTURE OF MALT OR BREWED
5 BEVERAGES AND THE QUANTITIES OF MALT OR BREWED BEVERAGES
6 MANUFACTURED AND STORED, (2) THE SALES OF MALT OR BREWED
7 BEVERAGES, (3) THE QUANTITIES OF MALT OR BREWED BEVERAGES STORED
8 FOR HIRE OR TRANSPORTED FOR HIRE BY OR FOR THE LICENSEE, AND (4)
9 THE NAMES AND ADDRESSES OF THE PURCHASERS OR OTHER RECIPIENTS
10 THEREOF. EVERY PLACE LICENSED AS A MANUFACTURER SHALL BE SUBJECT
11 TO INSPECTION BY MEMBERS OF THE BOARD OR BY PERSONS DULY
12 AUTHORIZED AND DESIGNATED BY THE BOARD, AT ANY AND ALL TIMES OF
13 THE DAY OR NIGHT, AS THEY MAY DEEM NECESSARY, FOR THE DETECTION
14 OF VIOLATIONS OF THIS ACT OR OF THE RULES AND REGULATIONS OF THE
15 BOARD, OR FOR THE PURPOSE OF ASCERTAINING THE CORRECTNESS OF THE
16 RECORDS REQUIRED TO BE KEPT BY LICENSEES. THE BOOKS AND RECORDS
17 OF SUCH LICENSEES SHALL AT ALL TIMES BE OPEN TO INSPECTION BY
18 MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED AND
19 DESIGNATED BY THE BOARD. MEMBERS OF THE BOARD AND ITS DULY
20 AUTHORIZED AGENTS SHALL HAVE THE RIGHT, WITHOUT HINDRANCE, TO
21 ENTER ANY PLACE WHICH IS SUBJECT TO INSPECTION HEREUNDER OR ANY
22 PLACE WHERE SUCH RECORDS ARE KEPT FOR THE PURPOSE OF MAKING SUCH
23 INSPECTIONS AND MAKING TRANSCRIPTS THEREOF. WHENEVER ANY CHECKS
24 ISSUED IN PAYMENT OF FILING AND/OR LICENSE FEES SHALL BE
25 RETURNED TO THE BOARD AS DISHONORED, THE BOARD SHALL CHARGE A
26 FEE OF FIVE DOLLARS (\$5.00) PER HUNDRED DOLLARS OR FRACTIONAL
27 PART THEREOF, PLUS ALL PROTEST FEES, TO THE MAKER OF SUCH CHECK
28 SUBMITTED TO THE BOARD. FAILURE TO MAKE FULL PAYMENT OR PAY THE
29 FACE AMOUNT OF THE CHECK IN FULL AND ALL CHARGES THEREON AS
30 HEREIN REQUIRED WITHIN TEN DAYS AFTER DEMAND HAS BEEN MADE BY

1 THE BOARD UPON THE MAKER OF THE CHECK OR UPON NOTIFICATION TO
2 THE BOARD BY THE DEPARTMENT OF REVENUE OR THE DEPARTMENT OF
3 LABOR AND INDUSTRY OF ITS OBJECTION, THE LICENSE OF SUCH PERSON
4 SHALL IMMEDIATELY BECOME INVALID AND SHALL REMAIN INVALID UNTIL
5 PAYMENT AND ALL CHARGES ARE RECEIVED BY THE BOARD.

6 * * *

7 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
8 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
9 PRESCRIBED, [AND FILES THE BOND HEREINAFTER REQUIRED,] A
10 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE
11 WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE OF MALT OR
12 BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES WHERE
13 SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL
14 CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE
15 WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET BY THE
16 MANUFACTURER AT THE PLACE OF MANUFACTURE. THE BOARD SHALL HAVE
17 THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
18 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
19 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
20 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
21 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
22 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
23 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
24 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
25 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
26 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
27 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
28 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
29 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
30 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND

1 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
2 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
3 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
4 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
5 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
6 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE
7 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
8 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
9 FUELS OR OIL IS CONDUCTED. THE BOARD SHALL REQUIRE NOTICE TO BE
10 POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR
11 PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED
12 BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED
13 OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

14 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
15 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
16 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
17 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
18 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
19 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
20 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
21 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
22 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
23 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
24 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
25 AUTHORIZED TO STORE MALT OR BREWED BEVERAGES OWNED BY AN OUT OF
26 STATE MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
27 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
28 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND
29 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
30 BEEN GRANTED DISTRIBUTION RIGHTS BY THE OUT OF STATE

1 MANUFACTURER AS PROVIDED HEREIN. THE IMPORTING DISTRIBUTOR SHALL
2 BE PERMITTED TO RECEIVE A FEE FROM THE OUT OF STATE MANUFACTURER
3 FOR ANY RELATED STORAGE OR DELIVERY SERVICES. IN THE CASE OF A
4 BAILEE FOR HIRE HIRED BY AN OUT OF STATE MANUFACTURER, THE
5 HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED: TO RECEIVE OR STORE
6 MALT OR BREWED BEVERAGES UNDER THE SAME CONDITIONS AS PERMITTED
7 FOR A DISTRIBUTOR OR IMPORTING DISTRIBUTOR UNDER SECTION 441(F)
8 PRODUCED BY THAT OUT OF STATE MANUFACTURER FOR SALE BY THAT
9 MANUFACTURER TO IMPORTING DISTRIBUTORS TO WHOM THAT OUT OF STATE
10 MANUFACTURER HAS GIVEN DISTRIBUTION RIGHTS PURSUANT TO THIS
11 SUBSECTION OR TO PURCHASERS OUTSIDE THIS COMMONWEALTH FOR
12 DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO THAT OUT OF
13 STATE MANUFACTURER'S STORAGE FACILITIES OUTSIDE THIS
14 COMMONWEALTH. THE BAILEE FOR HIRE SHALL BE PERMITTED TO RECEIVE
15 A FEE FROM THE OUT OF STATE MANUFACTURER FOR ANY RELATED STORAGE
16 OR DELIVERY SERVICES. THE BAILEE FOR HIRE SHALL, AS REQUIRED IN
17 ARTICLE V OF THIS ACT, KEEP COMPLETE AND ACCURATE RECORDS OF ALL
18 TRANSACTIONS, INVENTORY, RECEIPTS AND SHIPMENTS AND MAKE ALL
19 RECORDS AND THE LICENSED AREAS AVAILABLE FOR INSPECTION BY THE
20 BOARD AND FOR THE PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR
21 CONTROL ENFORCEMENT, DURING NORMAL BUSINESS HOURS.

22 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
23 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
24 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
25 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
26 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
27 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
28 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
29 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
30 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH

1 MANUFACTURER. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT
2 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
3 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
4 THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
5 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
6 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
7 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
8 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
9 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
10 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
11 MANUFACTURER.

12 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
13 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
14 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
15 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
16 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
17 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
18 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
19 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
20 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
21 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
22 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
23 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
24 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
25 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
26 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
27 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
28 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
29 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
30 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO

1 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
2 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
3 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
4 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
5 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
6 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
7 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
8 AFFECTED.

9 * * *

10 (E) IN ADDITION TO THE FEES UNDER SECTION 614-A OF THE ACT
11 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
12 CODE OF 1929," THE BOARD SHALL ASSESS A FEE SURCHARGE OF NINETY-
13 FIVE DOLLARS (\$95.00) FOR A DISTRIBUTOR'S LICENSE AND A FEE
14 SURCHARGE OF FOUR HUNDRED SEVENTY DOLLARS (\$470.00) FOR AN
15 IMPORTING DISTRIBUTOR'S LICENSE AND A FEE SURCHARGE OF SEVENTY-
16 FIVE DOLLARS (\$75.00) FOR BRAND REGISTRATION. MONEY COLLECTED
17 UNDER THIS SUBSECTION SHALL BE PLACED IN A RESTRICTED ACCOUNT IN
18 THE STATE STORES FUND. THE BOARD MAY USE THE MONEY IN THIS
19 ACCOUNT TO IMPLEMENT SECTION 216. IN THE EVENT THE PROVISIONS OF
20 SECTION 447(A)(2) AND/OR (C) ARE HELD INVALID, THEN THIS
21 SUBSECTION SHALL BE VOID AND SHALL NOT APPLY.

22 SECTION 10. SECTIONS 433.1(B) AND 435 OF THE ACT, AMENDED
23 APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

24 SECTION 433.1. STADIUM OR ARENA PERMITS.--* * *

25 (B) THE OWNER OR LESSEE OR A CONCESSIONAIRE OF ANY SUCH
26 PREMISES MAY MAKE APPLICATION FOR A PERMIT. THE AFORESAID
27 PERMITS SHALL BE ISSUED ONLY TO REPUTABLE INDIVIDUALS,
28 PARTNERSHIPS AND ASSOCIATIONS, WHO ARE OR WHOSE MEMBERS ARE
29 CITIZENS OF THE UNITED STATES AND HAVE FOR TWO YEARS PRIOR TO
30 THE DATE OF THEIR APPLICATIONS BEEN RESIDENTS OF THE

1 COMMONWEALTH OF PENNSYLVANIA, OR TO REPUTABLE CORPORATIONS
2 ORGANIZED OR DULY REGISTERED UNDER THE LAWS OF THE COMMONWEALTH
3 OF PENNSYLVANIA, ALL OF WHOSE OFFICERS AND DIRECTORS ARE
4 CITIZENS OF THE UNITED STATES. EACH APPLICANT SHALL FURNISH
5 PROOF SATISFACTORY TO THE BOARD THAT HE IS OF GOOD REPUTE AND
6 FINANCIALLY RESPONSIBLE AND THAT THE PREMISES UPON WHICH HE
7 PROPOSES TO DO BUSINESS IS A PROPER PLACE. AN APPLICANT UNDER
8 SUBSECTION (A)(2) FOR A PERMIT FOR A STADIUM OR ARENA OWNED BY
9 THE CITY IN A CITY OF THE THIRD CLASS WHICH SHALL HAVE A SEATING
10 CAPACITY OF AT LEAST FOUR THOUSAND BUT LESS THAN SIX THOUSAND
11 FIVE HUNDRED SHALL DESIGNATE ONE OR MORE AREAS OF THE LICENSED
12 PREMISES COMPRISING NOT LESS THAN FIFTEEN PERCENT (15%) OF ITS
13 SEATING CAPACITY IN WHICH THE SALE OF MALT AND BREWED BEVERAGES
14 SHALL NOT BE AUTHORIZED. THE APPLICANT SHALL SUBMIT SUCH OTHER
15 INFORMATION AS THE BOARD MAY REQUIRE. APPLICATIONS SHALL BE, IN
16 WRITING ON FORMS PRESCRIBED BY THE BOARD, AND SIGNED AND SWORN
17 TO BY THE APPLICANT. THE APPLICATION AND PERMIT FEES SHALL BE AS
18 PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929
19 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
20 [A SURETY BOND IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1000)
21 SHALL BE FILED FOR EACH YEAR OF A LICENSING PERIOD CONDITIONED
22 THE SAME AS THE LICENSE BONDS REQUIRED BY THIS ACT FOR RETAIL
23 DISPENSER LICENSES.]

24 * * *

25 SECTION 435. FILING OF APPLICATIONS FOR DISTRIBUTORS',
26 IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES; FILING
27 FEE.--EVERY PERSON INTENDING TO APPLY FOR A DISTRIBUTOR'S,
28 IMPORTING DISTRIBUTOR'S OR RETAIL DISPENSER'S LICENSE, AS
29 AFORESAID, IN ANY MUNICIPALITY OF THIS COMMONWEALTH, SHALL FILE
30 WITH THE BOARD HIS OR ITS APPLICATION. ALL SUCH APPLICATIONS

1 SHALL BE FILED AT A TIME TO BE FIXED BY THE BOARD. THE APPLICANT
2 SHALL FILE WITH THE BOARD FEES AS PRESCRIBED IN SECTION 614-A OF
3 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
4 ADMINISTRATIVE CODE OF 1929." [THE APPLICANT SHALL FILE A BOND
5 AS HEREIN REQUIRED.]

6 SECTION 11. SECTION 447(A)(5) OF THE ACT, AMENDED DECEMBER
7 20, 1996 (P.L.1513, NO.196), IS AMENDED TO READ:

8 SECTION 447. PRICE CHANGES OF MALT AND BREWED BEVERAGES.--

9 (A) * * *

10 [(5) EVERY IMPORTING DISTRIBUTOR AND DISTRIBUTOR RECEIVING A
11 PRICE REDUCTION ON ANY PACKAGE OF ANY BRAND OF MALT OR BREWED
12 BEVERAGES PURSUANT TO THIS SECTION SHALL REDUCE HIS PRICE BY A
13 LIKE AMOUNT TO ALL CLASSES OF CUSTOMERS.]

14 * * *

15 SECTION 12. SECTION 461(D) OF THE ACT, AMENDED JUNE 30, 1992
16 (P.L.327, NO.66), IS AMENDED TO READ:

17 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
18 IN EACH MUNICIPALITY.--* * *

19 (D) "AIRPORT RESTAURANT," AS USED IN THIS SECTION, SHALL
20 MEAN RESTAURANT FACILITIES AT ANY AIRPORT FOR PUBLIC
21 ACCOMMODATION, WHICH ARE OWNED OR OPERATED DIRECTLY OR THROUGH
22 LESSEES BY THE COMMONWEALTH OF PENNSYLVANIA, BY ANY MUNICIPAL
23 AUTHORITY, COUNTY OR CITY, EITHER SEVERALLY OR JOINTLY, WITH ANY
24 OTHER MUNICIPAL AUTHORITY, COUNTY OR CITY, BUT SHALL NOT INCLUDE
25 ANY SUCH RESTAURANT FACILITIES AT ANY AIRPORT SITUATED IN A
26 MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE RETAIL SALE OF
27 LIQUOR AND MALT OR BREWED BEVERAGES IS NOT PERMITTED. AN AIRPORT
28 RESTAURANT IS NOT SUBJECT TO THE SEATING REQUIREMENTS NOR TO THE
29 SQUARE FOOTAGE REQUIREMENTS OF THE DEFINITION OF RESTAURANT IN
30 SECTION 102. AN AIRPORT RESTAURANT MAY HAVE UNLIMITED EXTENSIONS

1 OF SERVICE AREAS PROVIDING ALL EXTENDED SERVICE AREAS ARE INSIDE
2 THE AIRPORT TERMINAL BUILDING OR BUILDINGS, NOTWITHSTANDING ANY
3 INTERVENING THOROUGHFARES. IN ADDITION TO THE PRIVILEGES GRANTED
4 UNDER SECTIONS 406 AND 407 RELATIVE TO MALT OR BREWED BEVERAGES,
5 AIRPORT RESTAURANT LIQUOR LICENSEES MAY ALSO SELL WINE BY THE
6 GLASS, OPEN BOTTLE OR OTHER CONTAINER FOR CONSUMPTION OFF THE
7 LICENSED PREMISES AND WITHIN THE AIRPORT TERMINAL BUILDING.

8 * * *

9 SECTION 13. SECTION 465 OF THE ACT, AMENDED APRIL 29, 1994
10 (P.L.212, NO.30), IS AMENDED TO READ:

11 [SECTION 465. ALL LICENSEES TO FURNISH BOND.--(A) NO
12 LICENSE SHALL BE ISSUED TO ANY APPLICANT UNDER THE PROVISIONS OF
13 THIS ARTICLE UNTIL SUCH APPLICANT HAS FILED WITH THE BOARD AN
14 APPROVED BOND AND A WARRANT OF ATTORNEY TO CONFESS JUDGMENT
15 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA IN THE AMOUNT
16 HEREINAFTER PRESCRIBED.

17 (B) BONDS OF ALL SUCH APPLICANTS SHALL HAVE AS SURETY A
18 SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH,
19 OR SHALL HAVE DEPOSITED THEREWITH, AS COLLATERAL SECURITY, CASH
20 OR NEGOTIABLE OBLIGATIONS OF THE UNITED STATES OF AMERICA OR THE
21 COMMONWEALTH OF PENNSYLVANIA IN THE SAME AMOUNT AS HEREIN
22 PROVIDED FOR THE PENAL SUM OF BONDS. IN ALL CASES WHERE CASH OR
23 SECURITIES IN LIEU OF OTHER SURETY HAVE BEEN DEPOSITED WITH THE
24 BOARD, THE DEPOSITOR SHALL BE PERMITTED TO CONTINUE THE SAME
25 DEPOSIT FROM YEAR TO YEAR ON EACH RENEWAL OF LICENSE, BUT IN NO
26 EVENT SHALL HE BE PERMITTED TO WITHDRAW HIS DEPOSIT DURING THE
27 TIME HE HOLDS SAID LICENSE, OR UNTIL SIX MONTHS AFTER THE
28 EXPIRATION OF THE LICENSE HELD BY HIM, OR WHILE REVOCATION
29 PROCEEDINGS ARE PENDING AGAINST SUCH LICENSE. ALL CASH OR
30 SECURITIES RECEIVED BY THE BOARD IN LIEU OF OTHER SURETY SHALL

1 BE TURNED OVER BY THE BOARD TO THE STATE TREASURER AND HELD BY
2 HIM. THE STATE TREASURER SHALL REPAY OR RETURN MONEY OR
3 SECURITIES DEPOSITED WITH HIM TO THE RESPECTIVE DEPOSITORS ONLY
4 ON THE ORDER OF THE BOARD.

5 (C) NO SUCH BOND SHALL BE ACCEPTED UNTIL APPROVED BY THE
6 BOARD. ALL SUCH BONDS SHALL BE CONDITIONED FOR THE FAITHFUL
7 OBSERVANCE OF ALL THE LAWS OF THIS COMMONWEALTH RELATING TO
8 LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES AND THE REGULATION
9 OF THE BOARD. ALL BONDS SHALL BE RETAINED BY THE BOARD.

10 (D) THE PENAL SUM FOR EACH YEAR OF A LICENSING PERIOD OF THE
11 RESPECTIVE BONDS FILED UNDER THE PROVISIONS OF THIS SECTION
12 SHALL BE AS FOLLOWS:

13 (1) MANUFACTURERS OF MALT OR BREWED BEVERAGES, TEN THOUSAND
14 DOLLARS (\$10,000.00) FOR EACH PLACE AT WHICH THE LICENSEE IS
15 AUTHORIZED TO MANUFACTURE.

16 (2) LIQUOR IMPORTERS, TEN THOUSAND DOLLARS (\$10,000.00) FOR
17 EACH LICENSE.

18 (3) SACRAMENTAL WINE LICENSEES, TEN THOUSAND DOLLARS
19 (\$10,000.00).

20 (4) IMPORTING DISTRIBUTORS OF MALT OR BREWED BEVERAGES, TWO
21 THOUSAND DOLLARS (\$2,000.00).

22 (5) HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR
23 LICENSEES, TWO THOUSAND DOLLARS (\$2,000.00), BUT IN THE CASE OF
24 A RAILROAD OR PULLMAN COMPANY, SUCH PENAL SUM SHALL COVER EVERY
25 DINING, CLUB OR BUFFET CAR OF SUCH COMPANY OPERATED UNDER SUCH
26 LICENSE.

27 (6) DISTRIBUTORS OF MALT OR BREWED BEVERAGES, ONE THOUSAND
28 DOLLARS (\$1,000.00).

29 (7) RETAIL DISPENSERS AND PUBLIC SERVICE MALT OR BREWED
30 BEVERAGE LICENSEES, ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH

1 PLACE AT WHICH THE LICENSEE IS AUTHORIZED TO SELL MALT OR BREWED
2 BEVERAGES, EXCEPT THAT IN THE CASE OF RAILROAD OR PULLMAN
3 COMPANIES, SAID PENAL SUM SHALL BE ONE THOUSAND DOLLARS
4 (\$1,000.00), IRRESPECTIVE OF THE NUMBER OF LICENSED CARS
5 OPERATED BY THE COMPANY.

6 (E) EVERY SUCH BOND MAY BE FORFEITED WHEN A LICENSE IS
7 REVOKED AND SHALL BE TURNED OVER TO THE ATTORNEY GENERAL FOR
8 COLLECTION IF AND WHEN THE LICENSEE'S LICENSE SHALL HAVE BEEN
9 REVOKED AND HIS BOND FORFEITED AS PROVIDED IN THIS ACT.]

10 SECTION 14. SECTION 466 OF THE ACT IS AMENDED TO READ:

11 [SECTION 466. DISPOSITION OF CASH AND SECURITIES UPON
12 FORFEITURE OF BOND.--AFTER NOTICE FROM THE BOARD THAT ANY OF THE
13 AFORESAID BONDS HAVE BEEN FORFEITED, THE STATE TREASURER SHALL
14 IMMEDIATELY PAY INTO THE STATE STORES FUND ALL CASH DEPOSITED AS
15 COLLATERAL WITH SUCH BOND, AND WHEN SECURITIES HAVE BEEN
16 DEPOSITED WITH SUCH BOND, THE STATE TREASURER SHALL SELL, AT
17 PRIVATE SALE, AT NOT LESS THAN THE PREVAILING MARKET PRICE, ANY
18 SUCH SECURITIES SO DEPOSITED AS COLLATERAL WITH SUCH FORFEITED
19 BOND. THE STATE TREASURER SHALL THEREAFTER DEPOSIT IN THE STATE
20 STORES FUND THE NET AMOUNT REALIZED FROM THE SALE OF SUCH
21 SECURITIES, EXCEPT THAT IF THE AMOUNT SO REALIZED, AFTER
22 DEDUCTING PROPER COSTS AND EXPENSES, IS IN EXCESS OF THE PENAL
23 AMOUNT OF THE BOND, SUCH EXCESS SHALL BE PAID OVER BY HIM TO THE
24 OBLIGOR ON SUCH FORFEITED BOND.]

25 SECTION 15. SECTION 468(A)(1) OF THE ACT, AMENDED JUNE 18,
26 1998 (P.L.664, NO.86), IS AMENDED TO READ:

27 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A) (1)
28 LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE ASSIGNED. THE
29 BOARD, UPON PAYMENT OF THE TRANSFER FILING FEE [AND THE
30 EXECUTION OF A NEW BOND], IS HEREBY AUTHORIZED TO TRANSFER ANY

1 LICENSE ISSUED BY IT UNDER THE PROVISIONS OF THIS ARTICLE FROM
2 ONE PERSON TO ANOTHER OR FROM ONE PLACE TO ANOTHER, OR BOTH,
3 WITHIN THE SAME MUNICIPALITY, AND IF THE APPLICANT IS A UNIT OF
4 A NONPROFIT NATIONALLY CHARTERED CLUB, THE BOARD IS HEREBY
5 AUTHORIZED TO TRANSFER SUCH LICENSE TO A PLACE IN ANY OTHER
6 MUNICIPALITY WITHIN THE SAME COUNTY IF THE SALE OF LIQUOR OR
7 MALT AND BREWED BEVERAGES ARE LEGAL IN SUCH OTHER MUNICIPALITY
8 AS THE BOARD MAY DETERMINE. PRIOR TO THE APPROVAL OF AN
9 APPLICATION FOR TRANSFER BY A UNIT OF A NONPROFIT NATIONALLY
10 CHARTERED CLUB THE BOARD SHALL MAKE AN AFFIRMATIVE FINDING, UPON
11 PROOF SUBMITTED BY THE APPLICANT, AND AFTER INVESTIGATION BY THE
12 BOARD, THAT AT THE TIME THE APPLICATION FOR TRANSFER IS MADE THE
13 CLUB CONTINUES TO HOLD A VALID NATIONAL CHARTER AND CONTINUES TO
14 FUNCTION IN FACT AS A CLUB AS DEFINED IN SECTION 102. THE BOARD,
15 IN ITS DISCRETION, MAY TRANSFER AN EXISTING RESTAURANT RETAIL
16 DISPENSER OR CLUB LICENSE FROM ONE MUNICIPALITY TO ANOTHER IN
17 THE SAME COUNTY REGARDLESS OF THE QUOTA LIMITATIONS PROVIDED FOR
18 IN THIS ACT, IF SALES OF LIQUOR OR MALT AND BREWED BEVERAGES ARE
19 LEGAL IN SUCH OTHER MUNICIPALITY AND IF THE RESTAURANT RETAIL
20 DISPENSER OR CLUB LOST THE USE OF THE BUILDING IN WHICH IT WAS
21 LOCATED DUE TO GOVERNMENTAL EXERCISE OF THE RIGHT OF EMINENT
22 DOMAIN AND NO OTHER SUITABLE BUILDING CAN BE FOUND IN THE FIRST
23 MUNICIPALITY.

24 * * *

25 SECTION 16. SECTION 469 OF THE ACT, AMENDED APRIL 29, 1994
26 (P.L.212, NO.30), IS AMENDED TO READ:

27 SECTION 469. APPLICATIONS FOR TRANSFERS; FEES.--(A) EVERY
28 APPLICANT FOR A TRANSFER OF A LICENSE UNDER THE PROVISIONS OF
29 THIS ARTICLE SHALL FILE A WRITTEN APPLICATION WITH THE BOARD,
30 TOGETHER WITH A FILING FEE AS PRESCRIBED IN SECTION 614-A OF THE

1 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
2 ADMINISTRATIVE CODE OF 1929." [EACH SUCH APPLICANT SHALL ALSO
3 FILE AN APPROVED BOND FOR EACH YEAR OF A LICENSING PERIOD AS
4 REQUIRED ON ORIGINAL APPLICATIONS FOR SUCH LICENSES.]

5 (B) WHENEVER ANY LICENSE IS TRANSFERRED, NO LICENSE OR OTHER
6 FEES SHALL BE REQUIRED FROM THE PERSONS TO WHOM SUCH TRANSFER IS
7 MADE FOR THE PORTION OF THE LICENSE PERIOD FOR WHICH THE LICENSE
8 FEE HAS BEEN PAID BY THE TRANSFEROR, EXCEPT FOR TRANSFER FEES
9 PROVIDED IN SECTION 614-A OF "THE ADMINISTRATIVE CODE OF 1929."

10 SECTION 17. SECTION 470 OF THE ACT, AMENDED JUNE 18, 1998
11 (P.L.664, NO.86), IS AMENDED TO READ:

12 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
13 LICENSEES IN ARMED SERVICE.--(A) ALL APPLICATIONS FOR RENEWAL
14 OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE FILED
15 WITH [A NEW BOND,] TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE
16 AND THE DEPARTMENT OF LABOR AND INDUSTRY AND REQUISITE LICENSE
17 AND FILING FEES AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE
18 OF SAME: PROVIDED, HOWEVER, THAT THE BOARD, IN ITS DISCRETION,
19 MAY ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION FILED LESS THAN
20 SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE LICENSE WITH THE
21 REQUIRED [BOND AND] FEES, UPON REASONABLE CAUSE SHOWN AND THE
22 PAYMENT OF AN ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS
23 (\$100.00) FOR LATE FILING: AND PROVIDED FURTHER, THAT EXCEPT
24 WHERE THE FAILURE TO FILE A RENEWAL APPLICATION ON OR BEFORE THE
25 EXPIRATION DATE HAS CREATED A LICENSE QUOTA VACANCY AFTER SAID
26 EXPIRATION DATE WHICH HAS BEEN FILLED BY THE ISSUANCE OF A NEW
27 LICENSE, AFTER SUCH EXPIRATION DATE, BUT BEFORE THE BOARD HAS
28 RECEIVED A RENEWAL APPLICATION NUNC PRO TUNC WITHIN THE TIME
29 PRESCRIBED HEREIN THE BOARD, IN ITS DISCRETION, MAY, AFTER
30 HEARING, ACCEPT A RENEWAL APPLICATION FILED WITHIN TWO YEARS

1 AFTER THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED [BOND
2 AND] FEES UPON THE PAYMENT OF AN ADDITIONAL FILING FEE OF TWO
3 HUNDRED FIFTY DOLLARS (\$250.00) FOR LATE FILING. WHERE ANY SUCH
4 RENEWAL APPLICATION IS FILED LESS THAN SIXTY DAYS BEFORE THE
5 EXPIRATION DATE, OR SUBSEQUENT TO THE EXPIRATION DATE, NO
6 LICENSE SHALL ISSUE UPON THE FILING OF THE RENEWAL APPLICATION
7 UNTIL THE MATTER IS FINALLY DETERMINED BY THE BOARD AND IF AN
8 APPEAL IS TAKEN FROM THE BOARD'S ACTION THE COURTS SHALL NOT
9 ORDER THE ISSUANCE OF THE RENEWAL LICENSE UNTIL FINAL
10 DETERMINATION OF THE MATTER BY THE COURTS. A RENEWAL APPLICATION
11 WILL NOT BE CONSIDERED FILED UNLESS ACCOMPANIED BY [A NEW BOND
12 AND] THE REQUISITE FILING AND LICENSE FEES AND ANY ADDITIONAL
13 FILING FEE REQUIRED BY THIS SECTION. UNLESS THE BOARD SHALL HAVE
14 GIVEN TEN DAYS' PREVIOUS NOTICE TO THE APPLICANT OF OBJECTIONS
15 TO THE RENEWAL OF HIS LICENSE, BASED UPON VIOLATION BY THE
16 LICENSEE OR HIS SERVANTS, AGENTS OR EMPLOYES OF ANY OF THE LAWS
17 OF THE COMMONWEALTH OR REGULATIONS OF THE BOARD RELATING TO THE
18 MANUFACTURE, TRANSPORTATION, USE, STORAGE, IMPORTATION,
19 POSSESSION OR SALE OF LIQUORS, ALCOHOL OR MALT OR BREWED
20 BEVERAGES, OR THE CONDUCT OF A LICENSED ESTABLISHMENT, OR UNLESS
21 THE APPLICANT HAS BY HIS OWN ACT BECOME A PERSON OF ILL REPUTE,
22 OR UNLESS THE PREMISES DO NOT MEET THE REQUIREMENTS OF THIS ACT
23 OR THE REGULATIONS OF THE BOARD, THE LICENSE OF A LICENSEE SHALL
24 BE RENEWED.

25 (A.1) THE DIRECTOR OF THE BUREAU OF LICENSING MAY OBJECT TO
26 A PROPERLY FILED LICENSE APPLICATION:

27 (1) IF THE LICENSEE, ITS SHAREHOLDERS, DIRECTORS, OFFICERS,
28 ASSOCIATION MEMBERS, SERVANTS, AGENTS OR EMPLOYES HAVE VIOLATED
29 ANY OF THE LAWS OF THIS COMMONWEALTH OR ANY OF THE REGULATIONS
30 OF THE BOARD;

1 (2) IF THE LICENSEE HAS ONE OR MORE ADJUDICATED CITATIONS;
2 (3) IF THE LICENSED PREMISES NO LONGER MEETS THE
3 REQUIREMENTS OF THIS ACT OR THE BOARD'S REGULATIONS; OR
4 (4) DUE TO THE MANNER IN WHICH THE LICENSED PREMISES IS
5 BEING OPERATED, THE BOARD CAN CONSIDER ACTIVITY OCCURRING ON OR
6 ABOUT THE LICENSED PREMISES OR IN AREAS UNDER LICENSEE'S
7 CONTROL, IF THE ACTIVITY OCCURS WHEN THE PREMISES IS OPEN FOR
8 OPERATION AND IF THERE IS A RELATIONSHIP BETWEEN THE ACTIVITY
9 OUTSIDE THE PREMISES AND THE MANNER IN WHICH THE LICENSED
10 PREMISES IS OPERATED. THE BOARD MAY TAKE INTO CONSIDERATION
11 WHETHER THE LICENSEE HAS TAKEN ANY SUBSTANTIAL STEPS TO ADDRESS
12 THE ACTIVITY OCCURRING ON OR ABOUT THE PREMISES WHEN THE
13 PREMISES IS OPEN FOR OPERATION.

14 (A.2) THE BOARD SHALL ONLY REFUSE TO RENEW A LICENSE
15 APPLICATION IF THE BUREAU OF LICENSING GIVES THE APPLICANT AT
16 LEAST TEN DAYS' NOTICE, STATING THE BASIS FOR THE OBJECTION;
17 OTHERWISE, THE BOARD MUST RENEW THE LICENSE AFTER RECEIVING A
18 PROPERLY FILED RENEWAL APPLICATION.

19 (B) IN CASES WHERE A LICENSEE OR HIS SERVANTS, AGENTS OR
20 EMPLOYES ARE ARRESTED, CHARGED WITH VIOLATING ANY OF THE LAWS OF
21 THIS COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED
22 BEVERAGES, AND WHERE THE BOARD HAS ON FILE IN SUCH CASES REPORTS
23 OF ENFORCEMENT OFFICERS OR INVESTIGATORS OF THE ENFORCEMENT
24 BUREAU OR FROM OTHER SOURCES THAT A LICENSEE OR HIS SERVANTS,
25 AGENTS OR EMPLOYES HAVE VIOLATED ANY OF THE AFOREMENTIONED LAWS
26 AND A PROCEEDING TO REVOKE SUCH LICENSEE'S LICENSE IS OR IS
27 ABOUT TO BE INSTITUTED, AND SUCH ARREST OCCURS OR REPORT OF
28 VIOLATIONS IS RECEIVED OR REVOCATION PROCEEDING INSTITUTED OR
29 ABOUT TO BE INSTITUTED DURING THE TIME A RENEWAL APPLICATION OF
30 SUCH LICENSE IS PENDING BEFORE THE BOARD, THE BOARD MAY, IN ITS

1 DISCRETION, RENEW THE LICENSE, NOTWITHSTANDING SUCH ALLEGED
2 VIOLATIONS, BUT SUCH RENEWAL LICENSE MAY BE REVOKED IF AND WHEN
3 THE LICENSEE OR ANY OF HIS SERVANTS, AGENTS OR EMPLOYEES ARE
4 CONVICTED OF OR PLEAD GUILTY TO VIOLATIONS UNDER THE PREVIOUS
5 LICENSE, AS AFORESAID, OR IF AND WHEN SUCH PREVIOUS LICENSE IS
6 FOR ANY REASON REVOKED.

7 IN THE EVENT SUCH RENEWAL LICENSE IS REVOKED BY THE BOARD,
8 NEITHER THE LICENSE FEE PAID FOR SUCH LICENSE NOR ANY PART
9 THEREOF SHALL BE RETURNED TO THE LICENSEE[, BUT THE LICENSE BOND
10 FILED WITH THE APPLICATION FOR SUCH RENEWAL OF LICENSE SHALL NOT
11 BE FORFEITED].

12 SECTION 18. SECTION 471(B) OF THE ACT IS AMENDED TO READ:

13 SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.--

14 * * *

15 (B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME
16 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR
17 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION
18 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE
19 LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR
20 IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN
21 ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE
22 BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE
23 LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
24 493(1) INsofar AS IT RELATES TO SALES TO MINORS, SECTION 493(10)
25 INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
26 OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A
27 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR
28 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
29 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT
30 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED

1 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. §
2 5902 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301
3 (RELATING TO CORRUPTION OF MINORS), AT OR RELATING TO THE
4 LICENSED PREMISES, THE ADMINISTRATIVE LAW JUDGE SHALL
5 IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF
6 NOT LESS THAN ONE THOUSAND DOLLARS (\$1,000) NOR MORE THAN FIVE
7 THOUSAND DOLLARS (\$5,000), OR BOTH. THE ADMINISTRATIVE LAW JUDGE
8 SHALL NOTIFY THE LICENSEE BY REGISTERED MAIL, ADDRESSED TO THE
9 LICENSED PREMISES, OF SUCH SUSPENSION, REVOCATION OR FINE. [THE
10 INCREASED CIVIL PENALTY IMPOSED BY THIS SUBSECTION SHALL NOT BE
11 USED TO REQUIRE ANY LICENSEE TO INCREASE THE AMOUNT OF THE BOND
12 REQUIRED BY THIS ACT.] IN THE EVENT THE FINE IS NOT PAID WITHIN
13 TWENTY DAYS OF THE ADJUDICATION, THE ADMINISTRATIVE LAW JUDGE
14 SHALL SUSPEND OR REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY
15 REGISTERED MAIL ADDRESSED TO THE LICENSED PREMISES. SUSPENSIONS
16 AND REVOCATIONS SHALL NOT GO INTO EFFECT UNTIL THIRTY DAYS HAVE
17 ELAPSED FROM THE DATE OF THE ADJUDICATION DURING WHICH TIME THE
18 LICENSEE MAY TAKE AN APPEAL AS PROVIDED FOR IN THIS ACT. [WHEN A
19 LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE FORFEITED.] ANY
20 LICENSEE WHOSE LICENSE IS REVOKED SHALL BE INELIGIBLE TO HAVE A
21 LICENSE UNDER THIS ACT UNTIL THE EXPIRATION OF THREE YEARS FROM
22 THE DATE SUCH LICENSE WAS REVOKED. IN THE EVENT A LICENSE IS
23 REVOKED, NO LICENSE SHALL BE GRANTED FOR THE PREMISES OR
24 TRANSFERRED TO THE PREMISES IN WHICH THE SAID LICENSE WAS
25 CONDUCTED FOR A PERIOD OF AT LEAST ONE YEAR AFTER THE DATE OF
26 THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID PREMISES,
27 EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS IMMEDIATE
28 FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE THE BOARD
29 MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE
30 SAID YEAR. IN THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED

1 OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED
2 BY THE ADJUDICATION OF THE ADMINISTRATIVE LAW JUDGE, THERE SHALL
3 BE A RIGHT TO APPEAL TO THE BOARD. THE APPEAL SHALL BE BASED
4 SOLELY ON THE RECORD BEFORE THE ADMINISTRATIVE LAW JUDGE. THE
5 BOARD SHALL AFFIRM THE DECISION OF THE ADMINISTRATIVE LAW JUDGE
6 IF IT IS BASED ON SUBSTANTIAL EVIDENCE; OTHERWISE, THE BOARD
7 SHALL REVERSE THE DECISION OF THE ADMINISTRATIVE LAW JUDGE. IN
8 THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED OR WHOSE
9 LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED BY THE
10 DECISION OF THE BOARD, THERE SHALL BE A RIGHT TO APPEAL TO THE
11 COURT OF COMMON PLEAS IN THE SAME MANNER AS HEREIN PROVIDED FOR
12 APPEALS FROM REFUSALS TO GRANT LICENSES. EACH OF THE APPEALS
13 SHALL ACT AS A SUPERSEDEAS UNLESS, UPON SUFFICIENT CAUSE SHOWN,
14 THE REVIEWING AUTHORITY SHALL DETERMINE OTHERWISE; HOWEVER, IF
15 THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
16 493(1) INsofar AS IT RELATES TO SALES TO MINORS, SECTION 493(10)
17 INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
18 OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A
19 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR
20 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
21 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF "THE
22 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18
23 PA.C.S. § 5902 OR 6301, AT OR RELATING TO THE LICENSED PREMISES,
24 ITS APPEAL SHALL NOT ACT AS A SUPERSEDEAS UNLESS THE REVIEWING
25 AUTHORITY DETERMINES OTHERWISE UPON SUFFICIENT CAUSE SHOWN. IN
26 ANY HEARING ON AN APPLICATION FOR A SUPERSEDEAS UNDER THIS
27 SECTION, THE REVIEWING AUTHORITY MAY CONSIDER, IN ADDITION TO
28 OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE, INCLUDING RECORDS
29 OF THE BUREAU, SHOWING THE PRIOR HISTORY OF CITATIONS, FINES,
30 SUSPENSIONS OR REVOCATIONS AGAINST THE LICENSEE; AND THE

1 REVIEWING AUTHORITY MAY ALSO CONSIDER, IN ADDITION TO OTHER
2 RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL
3 ACTIVITY OCCURRING BETWEEN THE DATE OF THE CITATION WHICH IS THE
4 SUBJECT OF THE APPEAL AND THE DATE OF THE HEARING. NO PENALTY
5 PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY VIOLATIONS
6 PROVIDED FOR IN THIS ACT UNLESS THE BUREAU NOTIFIES THE LICENSEE
7 OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION OF THE
8 INVESTIGATION.

9 * * *

10 SECTION 19. SECTION 492(8) OF THE ACT, AMENDED APRIL 29,
11 1994 (P.L.212, NO.30), IS AMENDED TO READ:

12 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED
13 BEVERAGES AND LICENSEES.--

14 IT SHALL BE UNLAWFUL--

15 * * *

16 (8) TRANSPORTATION OF MALT OR BREWED BEVERAGES. FOR ANY
17 PERSON, TO TRANSPORT MALT OR BREWED BEVERAGES EXCEPT IN THE
18 ORIGINAL CONTAINERS, OR TO TRANSPORT MALT OR BREWED BEVERAGES
19 FOR ANOTHER WHO IS ENGAGED IN SELLING EITHER LIQUOR OR MALT OR
20 BREWED BEVERAGES, UNLESS SUCH PERSON SHALL HOLD (A) A LICENSE TO
21 TRANSPORT FOR HIRE, ALCOHOL, LIQUOR AND MALT OR BREWED
22 BEVERAGES, AS HEREINAFTER PROVIDED IN THIS ACT, OR (B) SHALL
23 HOLD A PERMIT ISSUED BY THE BOARD AND SHALL HAVE PAID TO THE
24 BOARD SUCH PERMIT FEE, AS PRESCRIBED IN SECTION 614-A OF THE ACT
25 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
26 CODE OF 1929," [AND SHALL HAVE FILED WITH THE BOARD A BOND IN
27 THE PENAL SUM OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2000) FOR
28 EACH YEAR OF A LICENSING PERIOD, AS MAY BE FIXED BY THE RULES
29 AND REGULATIONS OF THE BOARD,] ANY OTHER LAW TO THE CONTRARY
30 NOTWITHSTANDING.

1 * * *

2 SECTION 20. SECTIONS 504 AND 505 OF THE ACT ARE AMENDED TO
3 READ:

4 SECTION 504. APPLICATIONS; FILING FEES.--(A) EVERY
5 APPLICANT FOR A LICENSE UNDER THIS ARTICLE SHALL FILE WITH THE
6 BOARD A WRITTEN APPLICATION IN SUCH FORM AS THE BOARD SHALL FROM
7 TIME TO TIME REQUIRE. EVERY SUCH APPLICATION SHALL BE
8 ACCOMPANIED BY A FILING FEE OF TWENTY DOLLARS (\$20), THE
9 PRESCRIBED LICENSE FEE [AND THE BOND HEREINAFTER SPECIFIED,] AND
10 SHALL SET FORTH:

11 (1) THE LEGAL NAMES OF THE APPLICANT AND OF THE OWNER OF THE
12 PLACE WHERE BUSINESS UNDER THE LICENSE WILL BE CARRIED ON, WITH
13 THEIR RESIDENCE ADDRESSES BY STREET AND NUMBER, IF A
14 PARTNERSHIP, OF EACH SEPARATE PARTNER, AND IF A CORPORATION, OF
15 EACH INDIVIDUAL OFFICER THEREOF.

16 (2) THE EXACT LOCATION OF SAID PLACE OF BUSINESS AND OF
17 EVERY PLACE TO BE OCCUPIED OR USED IN CONNECTION WITH SUCH
18 BUSINESS, THE PRODUCTIVE CAPACITY OF EACH PLANT WHERE ANY
19 ALCOHOL OR LIQUOR IS TO BE MANUFACTURED, PRODUCED, DISTILLED,
20 RECTIFIED, BLENDED, DEVELOPED OR USED IN THE PROCESS OF
21 MANUFACTURE, DENATURED, REDISTILLED, RECOVERED, REUSED, THE
22 CAPACITY OF EVERY WAREHOUSE OR OTHER PLACE WHERE SUCH ALCOHOL OR
23 LIQUOR OR MALT OR BREWED BEVERAGE IS TO BE HELD IN BOND OR
24 STORED FOR HIRE OR THE EQUIPMENT TO BE USED WHERE A
25 TRANSPORTATION BUSINESS IS TO BE CARRIED ON UNDER THE LICENSE.

26 (3) THAT EACH AND EVERY ONE OF THE APPLICANTS IS A CITIZEN
27 OF THE UNITED STATES OF AMERICA.

28 (4) SUCH OTHER RELEVANT INFORMATION AS THE BOARD SHALL FROM
29 TIME TO TIME REQUIRE BY RULE OR REGULATION.

30 (B) EACH APPLICATION MUST BE VERIFIED BY AFFIDAVIT OF THE

1 APPLICANT MADE BEFORE ANY OFFICER LEGALLY QUALIFIED TO
2 ADMINISTER OATHS, AND IF ANY FALSE STATEMENT IS WILFULLY MADE IN
3 ANY PART OF SAID APPLICATION, THE APPLICANT OR APPLICANTS SHALL
4 BE DEEMED GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE
5 SUBJECT TO THE PENALTIES PROVIDED BY THIS ARTICLE.

6 SECTION 505. LICENSES ISSUED.--UPON RECEIPT OF THE
7 APPLICATION IN THE FORM HEREIN PROVIDED[,] AND THE PROPER FEES
8 [AND AN APPROVED BOND AS HEREIN DESIGNATED], THE BOARD MAY GRANT
9 TO SUCH APPLICANT A LICENSE TO ENGAGE IN, (A) THE OPERATION OF A
10 LIMITED WINERY OR A WINERY; OR, (B) THE MANUFACTURING,
11 PRODUCING, DISTILLING, DEVELOPING, OR USING IN THE PROCESS OF
12 MANUFACTURING, DENATURING, REDISTILLING, RECOVERING, RECTIFYING,
13 BLENDING AND REUSING OF ALCOHOL AND LIQUOR; OR, (C) THE HOLDING
14 IN BOND OF ALCOHOL AND LIQUOR; OR, (D) THE HOLDING IN STORAGE,
15 AS BAILEE FOR HIRE, OF ALCOHOL, LIQUOR AND MALT OR BREWED
16 BEVERAGES; OR, (E) THE TRANSPORTING FOR HIRE OF ALCOHOL, LIQUOR
17 AND MALT OR BREWED BEVERAGES.

18 SECTION 21. SECTION 506 OF THE ACT, AMENDED APRIL 29, 1994
19 (P.L.212, NO.30), IS AMENDED TO READ:

20 [SECTION 506. BONDS REQUIRED.--(A) NO LICENSE SHALL BE
21 ISSUED TO ANY SUCH APPLICANT UNTIL HE HAS FILED WITH THE BOARD
22 AN APPROVED BOND, DULY EXECUTED, PAYABLE TO THE COMMONWEALTH OF
23 PENNSYLVANIA, TOGETHER WITH A WARRANT OF ATTORNEY TO CONFESS
24 JUDGMENT IN THE PENAL SUM HEREIN SET FORTH. ALL SUCH BONDS SHALL
25 BE CONDITIONED FOR THE FAITHFUL OBSERVANCE OF ALL THE LAWS OF
26 THIS COMMONWEALTH AND REGULATIONS OF THE BOARD RELATING TO
27 ALCOHOL, LIQUOR AND MALT OR BREWED BEVERAGES AND THE CONDITIONS
28 OF THE LICENSE, AND SHALL HAVE AS SURETY A DULY AUTHORIZED
29 SURETY COMPANY, OR SHALL HAVE DEPOSITED THEREWITH, AS COLLATERAL
30 SECURITY, CASH OR NEGOTIABLE OBLIGATIONS OF THE UNITED STATES OF

1 AMERICA OR THE COMMONWEALTH OF PENNSYLVANIA IN THE SAME AMOUNT
2 AS HEREIN PROVIDED FOR THE PENAL SUM OF BONDS.

3 (B) IN ALL CASES WHERE CASH OR SECURITIES IN LIEU OF OTHER
4 SURETY HAVE BEEN DEPOSITED WITH THE BOARD, THE DEPOSITOR SHALL
5 BE PERMITTED TO CONTINUE THE SAME DEPOSIT FROM YEAR TO YEAR ON
6 EACH RENEWAL OF LICENSE, BUT IN NO EVENT SHALL HE BE PERMITTED
7 TO WITHDRAW HIS DEPOSIT DURING THE TIME HE HOLDS SAID LICENSE,
8 OR UNTIL SIX MONTHS AFTER THE EXPIRATION OF THE LICENSE HELD BY
9 HIM, OR WHILE REVOCATION PROCEEDINGS ARE PENDING AGAINST SUCH
10 LICENSEE.

11 (C) ALL CASH OR SECURITIES RECEIVED BY THE BOARD IN LIEU OF
12 OTHER SURETY SHALL BE TURNED OVER BY THE BOARD TO THE STATE
13 TREASURER AND HELD BY HIM. THE STATE TREASURER SHALL REPAY OR
14 RETURN MONEY OR SECURITIES DEPOSITED WITH HIM TO THE RESPECTIVE
15 DEPOSITORS ONLY ON THE ORDER OF THE BOARD.

16 (D) AFTER NOTICE FROM THE BOARD THAT SUCH A BOND HAS BEEN
17 FORFEITED, THE STATE TREASURER SHALL IMMEDIATELY PAY INTO THE
18 STATE STORES FUND ALL CASH DEPOSITED AS COLLATERAL WITH SUCH
19 BOND, AND WHEN SECURITIES HAVE BEEN DEPOSITED WITH SUCH A BOND,
20 THE STATE TREASURER SHALL SELL AT PRIVATE SALE, AT NOT LESS THAN
21 THE PREVAILING MARKET PRICE, ANY SUCH SECURITIES SO DEPOSITED AS
22 COLLATERAL WITH ANY SUCH FORFEITED BOND. THE STATE TREASURER
23 SHALL THEREAFTER DEPOSIT IN THE STATE STORES FUND THE NET AMOUNT
24 REALIZED FROM THE SALE OF SUCH SECURITIES, EXCEPT THAT IF THE
25 AMOUNT SO REALIZED, AFTER DEDUCTING PROPER COSTS AND EXPENSES,
26 IS IN EXCESS OF THE PENAL AMOUNT OF THE BOND, SUCH EXCESS SHALL
27 BE PAID OVER BY HIM TO THE OBLIGOR ON SUCH FORFEITED BOND.

28 (E) THE PENAL SUM OF BONDS REQUIRED TO BE FILED BY
29 APPLICANTS FOR LICENSE SHALL BE AS FOLLOWS:

30 IN THE CASE OF A DISTILLERY (MANUFACTURER), THE BOND SHALL BE

1 IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000) FOR EACH YEAR OF
2 A LICENSING PERIOD; IN THE CASE OF A BONDED WAREHOUSE, A BAILEE
3 FOR HIRE AND A TRANSPORTER FOR HIRE, EACH SHALL BE IN THE AMOUNT
4 OF THREE THOUSAND DOLLARS (\$3000) FOR EACH YEAR OF A LICENSING
5 PERIOD; AND IN THE CASE OF A WINERY, SHALL BE IN THE AMOUNT OF
6 FIVE THOUSAND DOLLARS (\$5000) FOR EACH YEAR OF A LICENSING
7 PERIOD. SUCH BONDS SHALL BE FILED WITH AND RETAINED BY THE
8 BOARD.

9 (F) EVERY SUCH BOND SHALL BE TURNED OVER TO THE ATTORNEY
10 GENERAL TO BE COLLECTED IF AND WHEN THE LICENSEE'S LICENSE SHALL
11 HAVE BEEN REVOKED AND HIS BOND FORFEITED AS PROVIDED IN THIS
12 ACT.]

13 SECTION 22. SECTION 514 OF THE ACT IS AMENDED TO READ:

14 SECTION 514. SUSPENSION AND REVOCATION OF LICENSES.--(A)
15 UPON LEARNING OF ANY VIOLATION OF THIS ACT OR OF ANY RULE OR
16 REGULATION PROMULGATED BY THE BOARD UNDER THE AUTHORITY OF THIS
17 ACT, OR ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH OR OF THE
18 UNITED STATES OF AMERICA RELATING TO THE TAX PAYMENT OF ALCOHOL,
19 LIQUOR OR MALT OR BREWED BEVERAGES BY THE HOLDER OF A LICENSE
20 ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, OR UPON OTHER
21 SUFFICIENT CAUSE, THE ENFORCEMENT BUREAU MAY, WITHIN ONE YEAR
22 FROM THE DATE OF SUCH VIOLATION OR CAUSE APPEARING, CITE SUCH
23 LICENSEE TO APPEAR BEFORE AN ADMINISTRATIVE LAW JUDGE NOT LESS
24 THAN TEN (10) NOR MORE THAN SIXTY (60) DAYS FROM THE DATE OF
25 SENDING SUCH LICENSEE, BY REGISTERED MAIL, A NOTICE ADDRESSED TO
26 HIS LICENSED PREMISES, TO SHOW CAUSE WHY THE LICENSE SHOULD NOT
27 BE SUSPENDED OR REVOKED. HEARINGS ON SUCH CITATIONS SHALL BE
28 HELD IN THE SAME MANNER AS PROVIDED HEREIN FOR HEARINGS ON
29 APPLICATIONS FOR LICENSE. AND UPON SUCH HEARING, IF SATISFIED
30 THAT ANY SUCH VIOLATION HAS OCCURRED OR FOR OTHER SUFFICIENT

1 CAUSE, THE ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR
2 REVOKE SUCH LICENSE, NOTIFYING THE LICENSEE THEREOF BY
3 REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES, OR TO THE
4 ADDRESS GIVEN IN HIS APPLICATION WHERE NO LICENSED PREMISES IS
5 MAINTAINED IN PENNSYLVANIA.

6 (B) [WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE
7 FORFEITED.] ANY LICENSEE WHOSE LICENSE IS REVOKED SHALL BE
8 INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT OR UNDER ANY OTHER
9 ACT RELATING TO ALCOHOL, LIQUOR OR MALT OR BREWED BEVERAGES
10 UNTIL THE EXPIRATION OF THREE (3) YEARS FROM THE DATE SUCH
11 LICENSE WAS REVOKED. IN THE EVENT OF A REVOCATION, NO LICENSE
12 SHALL BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE PREMISES
13 IN WHICH SAID LICENSE WAS CONDUCTED FOR A PERIOD OF AT LEAST ONE
14 (1) YEAR AFTER THE DATE OF THE REVOCATION OF THE LICENSE
15 CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE THE
16 LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE OWNER OF
17 THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS DISCRETION,
18 ISSUE OR TRANSFER A LICENSE WITHIN SAID YEAR. SUCH HEARING
19 BEFORE AND ADJUDICATION BY AN ADMINISTRATIVE LAW JUDGE SHALL BE
20 IN ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO
21 PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

22 SECTION 23. SECTION 517 OF THE ACT, AMENDED APRIL 29, 1994
23 (P.L.212, NO.30), IS AMENDED TO READ:

24 SECTION 517. EXPIRATION OF LICENSES; RENEWALS.--ALL LICENSES
25 ISSUED UNDER THIS ARTICLE SHALL EXPIRE AT THE CLOSE OF THE
26 LICENSE PERIOD, BUT NEW LICENSES FOR THE SUCCEEDING LICENSE
27 PERIOD SHALL BE ISSUED UPON WRITTEN APPLICATION THEREFOR, DULY
28 VERIFIED BY AFFIDAVIT, STATING THAT THE FACTS IN THE ORIGINAL
29 APPLICATION ARE UNCHANGED, AND UPON PAYMENT OF THE FEE AS
30 HEREINAFTER PROVIDED [AND THE FURNISHING OF A NEW BOND], WITHOUT

1 THE FILING OF FURTHER STATEMENTS OR THE FURNISHING OF ANY
2 FURTHER INFORMATION UNLESS SPECIFICALLY REQUESTED BY THE BOARD:
3 PROVIDED, HOWEVER, THAT ANY SUCH LICENSE ISSUED TO A CORPORATION
4 SHALL EXPIRE THIRTY (30) DAYS AFTER ANY CHANGE IN THE OFFICERS
5 OF SUCH CORPORATION, UNLESS THE NAME AND ADDRESS OF EACH SUCH
6 NEW OFFICER OF SUCH CORPORATION SHALL, WITHIN THAT PERIOD, BE
7 REPORTED TO THE BOARD BY CERTIFICATE, DULY VERIFIED.
8 APPLICATIONS FOR RENEWALS MUST BE MADE NOT LESS THAN THIRTY (30)
9 NOR MORE THAN SIXTY (60) DAYS BEFORE THE EXPIRATION OF THE
10 LICENSE PERIOD. ALL APPLICATIONS FOR RENEWAL RECEIVED OTHERWISE
11 SHALL BE TREATED AS ORIGINAL APPLICATIONS.

12 SECTION 24. SECTION 7 OF THE ACT OF DECEMBER 20, 1996
13 (P.L.1513, NO.196), ENTITLED "AN ACT AMENDING THE ACT OF APRIL
14 12, 1951 (P.L.90, NO.21), ENTITLED, AS REENACTED, 'AN ACT
15 RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND BREWED
16 BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
17 LAWS RELATING THERETO; REGULATING AND RESTRICTING THE
18 MANUFACTURE, PURCHASE, SALE, POSSESSION, CONSUMPTION,
19 IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING IN BOND,
20 HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS,
21 ALCOHOL AND MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED OR
22 EMPLOYED THEREIN; DEFINING THE POWERS AND DUTIES OF THE
23 PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE
24 ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES, FOR THE
25 PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE MUNICIPALITIES
26 AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN NUISANCES AND, IN
27 CERTAIN CASES, FOR SEARCH AND SEIZURE WITHOUT WARRANT;
28 PRESCRIBING PENALTIES AND FORFEITURES; PROVIDING FOR LOCAL
29 OPTION, AND REPEALING EXISTING LAWS,' PROVIDING FOR AN
30 INVESTIGATIVE UNIT, FOR RECORDS OF IMPORTING DISTRIBUTORS AND

1 FOR FEE SURCHARGES; AND PROVIDING FOR DISTRIBUTORS' AND
2 IMPORTING DISTRIBUTORS' RESTRICTIONS ON SALES OF MALT OR BREWED
3 BEVERAGES, FOR PRICES OF MALT OR BREWED BEVERAGES, FOR SUNDAY
4 SALES OF ALCOHOLIC BEVERAGES AND FOR DISTRIBUTION OF MALT AND
5 BREWED BEVERAGES," IS REPEALED.

6 SECTION 25. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.