

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1508 Session of  
1993

INTRODUCED BY JOSEPHS, CARN, DONATUCCI, EVANS, OLIVER, LINTON,  
THOMAS, JAROLIN, PRESTON, BELARDI, VEON, PISTELLA, CLYMER,  
BISHOP, STURLA, FLICK, HUGHES, KIRKLAND, MANDERINO AND  
CESSAR, MAY 3, 1993

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 3, 1993

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 further providing for factors to be considered for the  
18 issuance, transfer or renewal of certain licenses.

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

21 Section 1. Sections 404 and 470(a) of the act of April 12,  
22 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and  
23 amended June 29, 1987 (P.L.32, No.14), are amended to read:

24 Section 404. Issuance of Hotel, Restaurant and Club Liquor  
25 Licenses.--[Upon] (a) Subject to the restrictions and

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

1 shall not issue new licenses in]

2 (b) In deciding whether to issue a new license or grant the  
3 transfer of said license, the board shall determine whether the  
4 establishment for which the license is sought is appropriate for  
5 the immediate vicinity. The board shall consider all relevant  
6 evidence of record, including, but not limited to, the  
7 following:

8 (1) whether such premises is located within a three hundred  
9 foot radius of a place of worship, school, public playground,  
10 recreation center, day-care center, public library, hospital,  
11 long-term care facility or other similar facility;

12 (2) whether such premises is located within a two hundred  
13 foot radius of any other premises licensed by the board;

14 (3) the effect of the establishment on peace, order and  
15 quiet on the inhabitants of the neighborhood within a radius of  
16 five hundred feet of the premises;

17 (4) whether issuance or transfer of the license would  
18 create, contribute or preserve an overconcentration of licensed  
19 establishments, likely to affect adversely the immediate  
20 vicinity;

21 (5) the effect of the establishment on the health and moral  
22 well-being of the neighborhood;

23 (6) the effect of the establishment on vehicular and  
24 pedestrian safety;

25 (7) the effect of the establishment on real property values;

26 (8) employment opportunities for residents generated by the  
27 establishment;

28 (9) the length of time the establishment has held a license  
29 for that location and the licensee's record of compliance with  
30 the provisions of this article, rules promulgated under this

article and the laws of this Commonwealth; and

(10) the previous license history of the transferee, in the case of a person-to-person transfer;

(c) The board shall not issue any new licenses in any  
license district more than twice each license year, effective  
from specific dates fixed by the board, and new licenses shall  
not be granted, except for hotels as defined in this act, unless  
the application therefor shall have been filed at least thirty  
days before the effective date of the license.[: And provided  
further, That nothing herein contained] Nothing contained in  
this subsection shall prohibit the board from issuing a new  
license for the balance of any unexpired term in any license  
district to any applicant in such district, who shall have  
become eligible to hold such license as the result of  
legislative enactment, when such enactment shall have taken  
place during the license term of that district for which  
application is made or within the thirty days immediately  
preceding such term, nor shall anything herein contained  
prohibit the board from issuing at any time a new license for an  
airport restaurant, or municipal golf course, as defined in  
section 461 of this act, for the balance of the unexpired  
license term in any license district.[: And provided further,  
That the]

(d) The board shall have the discretion to refuse a license  
to any person or to any corporation, partnership or association  
if such person, or any officer or director of such corporation,  
or any member or partner of such partnership or association  
shall have been convicted or found guilty of a felony within a  
period of five years immediately preceding the date of  
application for the said license.

1       (e) The board shall refuse any application for a new license  
2 or the transfer of any license to a location where the sale of  
3 liquid fuels or oil is conducted.

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

1 application will not be considered filed unless accompanied by a  
2 new bond and the requisite filing and license fees and any  
3 additional filing fee required by this section. [Unless the  
4 board shall have given ten days' previous notice to the  
5 applicant of objections to the renewal of his license, based  
6 upon violation by the licensee or his servants, agents or  
7 employes of any of the laws of the Commonwealth or regulations  
8 of the board relating to the manufacture, transportation, use,  
9 storage, importation, possession or sale of liquors, alcohol or  
10 malt or brewed beverages, or the conduct of a licensed  
11 establishment, or unless the applicant has by his own act become  
12 a person of ill repute, or unless the premises do not meet the  
13 requirements of this act or the regulations of the board, the  
14 license of a licensee shall be renewed.] In determining whether  
15 to renew a license, the board shall consider whether the  
16 licensed premises remains appropriate for the immediate  
17 vicinity. The board shall consider all relevant evidence of  
18 record, including, but not limited to, the following:

19 (1) the licensee's record of compliance with the provisions  
20 of this article, the rules promulgated thereunder, and the laws  
21 of this Commonwealth;

22 (2) the effect of the establishment on peace, order and  
23 quiet on the inhabitants of the neighborhood within a radius of  
24 five hundred feet of the premises;

25 (3) the effect of the establishment on the health and moral  
26 well-being of the neighborhood, including the amount and degree  
27 of police activity attributed to the licensed premises;

28 (4) the effect of the establishment on vehicular and  
29 pedestrian safety;

30 (5) the effect of the establishment on real property values;

1     (6) the employment opportunities for neighboring residents  
2     generated by the establishment; and  
3     (7) the cumulative number of points assessed against the  
4     license record.

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