

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2522 Session of
1976

INTRODUCED BY CAPUTO AND RYAN, JUNE 14, 1976

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 14, 1976

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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 authorizing increases in the minimum and maximum fines
18 imposed upon licensees and further authorizing imposition of
19 fine in lieu of mandatory suspension when an application for
20 person to person transfer of retail license is pending; and
21 making an editorial change.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 471, act of April 12, 1951 (P.L.90,
25 No.21), known as the "Liquor Code," amended January 13, 1966
26 (1965 P.L.1301, No.518), is amended to read:

27 Section 471. Revocation and Suspension of Licenses; Fines.--
28 Upon learning of any violation of this act or any laws of this

1 Commonwealth relating to liquor, alcohol or malt or brewed
2 beverages, or of any regulations of the board adopted pursuant
3 to such laws, of any violation of any laws of this Commonwealth
4 or of the United States of America relating to the tax-payment
5 of liquor or malt or brewed beverages by any licensee within the
6 scope of this article, his officers, servants, agents or
7 employes, or upon any other sufficient cause shown, the board
8 may, within one year from the date of such violation or cause
9 appearing, cite such licensee to appear before it or its
10 examiner, not less than ten nor more than sixty days from the
11 date of sending such licensee, by registered mail, a notice
12 addressed to him at his licensed premises, to show cause why
13 such license should not be suspended or revoked or a fine
14 imposed. Hearings on such citations shall be held in the same
15 manner as provided herein for hearings on applications for
16 license. Upon such hearing, if satisfied that any such violation
17 has occurred or for other sufficient cause, the board shall
18 immediately suspend or revoke the license, or impose a fine of
19 not less than [fifty dollars (\$50)] one hundred dollars (\$100)
20 nor more than [one thousand hundred dollars (\$1,000)] two
21 thousand five hundred dollars (\$2,500), notifying the licensee
22 by registered letter addressed to his licensed premises. In the
23 event the fine is not paid within twenty days of the order the
24 board shall suspend or revoke the license, notifying the
25 licensee by registered mail addressed to his licensed premises.
26 Suspensions and revocations shall not go into effect until
27 twenty days have elapsed from the date of notice of issuance of
28 the board's order, during which time the licensee may take an
29 appeal as provided for in this act. When a license is revoked,
30 the licensee's bond may be forfeited by the board. Any licensee

1 whose license is revoked shall be ineligible to have a license
2 under this act until the expiration of three years from the date
3 such license was revoked. In the event the board shall revoke a
4 license, no license shall be granted for the premises or
5 transferred to the premises in which the said license was
6 conducted for a period of at least one year after the date of
7 the revocation of the license conducted in the said premises,
8 except in cases where the licensee or a member of his immediate
9 family is not the owner of the premises, in which case the board
10 may, in its discretion, issue or transfer a license within the
11 said year. In all such cases, the board shall file of record at
12 least a brief statement in the form of an opinion of the reasons
13 for the ruling or order. In the event the person who was fined
14 or whose license was suspended or revoked by the board shall
15 feel aggrieved by the action of the board, he shall have the
16 right to appeal to the court of [quarter sessions or the county
17 court of Allegheny County] common pleas in the same manner as
18 herein provided for appeals from refusals to grant licenses.
19 Upon appeal, the court so appealed to shall, in the exercise of
20 its discretion, sustain, reject, alter or modify the findings,
21 conclusions and penalties of the board, based on the findings of
22 fact and conclusions of law as found by the court. The aforesaid
23 appeal shall act as a supersedeas unless upon sufficient cause
24 shown the court shall determine otherwise. The licensee or the
25 board may, within thirty days from the filing of the order or
26 decree of said court, file an appeal therefrom to the Superior
27 Court. No penalty provided by this section shall be imposed by
28 the board or any court for any violations provided for in this
29 act unless the enforcement officer or the board notifies the
30 licensee of its nature and of the date of the alleged violation

1 within ten days of the completion of the investigation which in
2 no event shall exceed ninety days.

3 If the violation in question is a third or subsequent
4 violation of this act or [the act of June 24, 1939 (P.L.872),
5 known as "The Penal Code,"] of Title 18 (Crimes and Offenses) of
6 the Pennsylvania Consolidated Statutes December 6, 1972
7 (P.L.1482, No.334), known as the "Crimes Code," occurring within
8 a period of four years the board shall impose a suspension or
9 revocation: Provided, however, That when an application for
10 person to person transfer of a license in safekeeping is
11 pending, and a suspension has been imposed, the board may, in
12 its discretion, rescind the same and in lieu thereof impose a
13 fine of not less than one hundred dollars (\$100) per day of
14 suspension upon the transferor of said license to a maximum fine
15 of two thousand five hundred dollars (\$2,500).

16 [The jurisdiction of the county court of Allegheny County
17 conferred hereby shall be exclusive within the territorial
18 limits of its jurisdiction.]

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