

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2014

Session of
1995

INTRODUCED BY DEMPSEY, DERMODY, GODSHALL, FAIRCHILD, CLARK,
HALUSKA, DeLUCA, MERRY, LYNCH, McGEEHAN, PESCI, STISH,
YOUNGBLOOD, HENNESSEY, L. I. COHEN, LAUGHLIN, TRELLO, WOGAN,
OLASZ, LEH AND SAINATO, SEPTEMBER 25, 1995

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 21, 1995

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 providing for the exchange of hotel liquor licenses.

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

20 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
21 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
22 No.14), is amended by adding a section to read:

23 Section 470.3. Exchange of Hotel Liquor License; Special
24 Provisions.--(a) In any case where the board finds that the

1 holder of a hotel liquor license cannot comply with the
2 provisions of section 461(c), because the licensed premises was
3 destroyed or substantially damaged by fire or natural disaster,
4 the board may issue a restaurant liquor license in exchange for
5 a hotel liquor license.

6 (b) An applicant under this section shall surrender his
7 hotel liquor license for cancellation prior to the issuance of
8 the new restaurant liquor license.

9 (c) The applicant for such exchange of license shall file an
10 application for a restaurant liquor license and shall post a
11 notice of such application in the manner provided in section
12 403. In determining where the exchange shall be granted, the
13 board shall have the same discretion as provided in section 404.

14 (d) The provisions of section 461 pertaining to quota shall
15 not pertain to this section for exchange purposes. ONCE A <—
16 RESTAURANT LIQUOR LICENSE IS ISSUED IN EXCHANGE FOR A HOTEL
17 LIQUOR LICENSE THAT RESTAURANT LIQUOR LICENSE SHALL BE COUNTED
18 AGAINST THE QUOTA IN ITS MUNICIPALITY.

19 (E) ANY RESTAURANT LIQUOR LICENSE ISSUED BY THE BOARD UNDER
20 THIS SECTION SHALL BE NONTRANSFERABLE OTHER THAN TO THE SPOUSE
21 OR LINEAL HEIRS OF THE LICENSEE FOR A PERIOD OF FIVE YEARS AFTER
22 ISSUANCE OF THE RESTAURANT LIQUOR LICENSE.

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