

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 296 Session of
1997

INTRODUCED BY SCHWARTZ, WILLIAMS, FUMO, AFFLERBACH, HUGHES AND
MELLOW, JANUARY 29, 1997

REFERRED TO LAW AND JUSTICE, JANUARY 29, 1997

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 requiring the Pennsylvania Liquor Control Board to refuse
18 licenses for discriminatory practices.

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

21 Section 1. Section 404 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14) and amended April 29, 1994 (P.L.212, No.30)
24 and October 5, 1994 (P.L.522, No.77), is amended to read:

25 Section 404. Issuance of Hotel, Restaurant and Club Liquor

1 Licenses.--Upon receipt of the application, the proper fees and
2 bond, and upon being satisfied of the truth of the statements in
3 the application that the applicant is the only person in any
4 manner pecuniarily interested in the business so asked to be
5 licensed and that no other person will be in any manner
6 pecuniarily interested therein during the continuance of the
7 license, except as hereinafter permitted, and that the applicant
8 is a person of good repute, that the premises applied for meet
9 all the requirements of this act and the regulations of the
10 board, that the applicant seeks a license for a hotel,
11 restaurant or club, as defined in this act, and that the
12 issuance of such license is not prohibited by any of the
13 provisions of this act, the board shall, in the case of a hotel
14 or restaurant, grant and issue to the applicant a liquor
15 license, and in the case of a club may, in its discretion, issue
16 or refuse a license: Provided, however, That in the case of any
17 new license or the transfer of any license to a new location the
18 board may, in its discretion, grant or refuse such new license
19 or transfer if such place proposed to be licensed is within
20 three hundred feet of any church, hospital, charitable
21 institution, school, or public playground, or if such new
22 license or transfer is applied for a place which is within two
23 hundred feet of any other premises which is licensed by the
24 board: And provided further, That the board shall refuse any
25 application for a new license or the transfer of any license to
26 a new location if, in the board's opinion, such new license or
27 transfer would be detrimental to the welfare, health, peace and
28 morals of the inhabitants of the neighborhood within a radius of
29 five hundred feet of the place proposed to be licensed: And
30 provided further, That prior to July 1, [1996] 1997, in any

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

1 shall refuse a license to any person or to any corporation,
2 partnership or association which has demonstrated a pattern of
3 discrimination on the basis of race, color, religious creed,
4 ancestry, handicap or disability, age, sex, national origin or
5 use of a guide or support animal.

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