

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1424 Session of
2012

INTRODUCED BY FARNESE, FONTANA, WASHINGTON AND SCHWANK,
FEBRUARY 14, 2012

REFERRED TO LAW AND JUSTICE, FEBRUARY 14, 2012

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," in
17 Pennsylvania Liquor Control Board, providing for fees; in
18 licenses and regulations relating to liquor, alcohol and malt
19 and brewed beverages, further providing for revocation and
20 suspension of licenses and fees; in disposition of moneys
21 collected under provisions of act, further providing for
22 moneys paid into the State Stores Fund for use of the
23 Commonwealth; repealing provisions of the Administrative Code
24 of 1929 relating to fees of the board; and making editorial
25 changes.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
29 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,

No.14), is amended by adding a section to read:

Section 218. Fees.--The board is authorized to charge fees for the following purposes and in the following amounts:

(1) Hotel, restaurant liquor licenses:

(i) Application filing fee..... \$1,400.00

(ii) Renewal filing fee..... 60.00

(iii) License fee:

(A) Municipalities, population less than 1,500..... 500.00

(B) Municipalities, except townships, population 1,500 - 9,999..... 600.00

(C) Municipalities, townships, population 1,500 - 11,999..... 600.00

(D) Municipalities, except townships, population 10,000 - 49,999..... 800.00

(E) Municipalities, townships, population 12,000 - 49,999..... 800.00

(F) Municipalities, population 50,000 - 99,999..... 1,000.00

(G) Municipalities, population 100,000 - 149,999..... 1,200.00

(H) Municipalities, population 150,000 or more..... 1,400.00

(iv) Transfer fee:

(A) Person to person..... 1,300.00

(B) Place to place..... 1,100.00

(C) Double transfer..... 1,400.00

(2) Hotel or retail dispenser - eating place malt or brewed beverage licenses:

(i) Application filing fee..... 1,400.00

1	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
2	<u>(iii) License fee:</u>	
3	<u>(A) Municipalities, population less</u>	
4	<u>than 10,000.....</u>	<u>400.00</u>
5	<u>(B) Municipalities, population 10,000</u>	
6	<u>- 49,999.....</u>	<u>500.00</u>
7	<u>(C) Municipalities, population 50,000</u>	
8	<u>- 99,999.....</u>	<u>600.00</u>
9	<u>(D) Municipalities, population 100,000</u>	
10	<u>- 149,999.....</u>	<u>700.00</u>
11	<u>(E) Municipalities, population 150,000</u>	
12	<u>or more.....</u>	<u>800.00</u>
13	<u>(iv) Transfer fee:</u>	
14	<u>(A) Person to person.....</u>	<u>1,300.00</u>
15	<u>(B) Place to place.....</u>	<u>1,100.00</u>
16	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
17	<u>(3) Clubs (except catering) liquor licenses:</u>	
18	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
19	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
20	<u>(iii) License fee.....</u>	<u>300.00</u>
21	<u>(iv) Transfer fee:</u>	
22	<u>(A) Person to person.....</u>	<u>1,300.00</u>
23	<u>(B) Place to place.....</u>	<u>1,100.00</u>
24	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
25	<u>(4) Club malt or brewed beverage licenses:</u>	
26	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
27	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
28	<u>(iii) License fee.....</u>	<u>250.00</u>
29	<u>(iv) Transfer fee:</u>	
30	<u>(A) Person to person.....</u>	<u>1,300.00</u>

1	<u>(B) Place to place.....</u>	<u>1,100.00</u>
2	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
3	<u>(5) Registration of agents; distillery</u>	
4	<u>certificate broker:</u>	
5	<u>(i) Application filing fee.....</u>	<u>130.00</u>
6	<u>(ii) Renewal filing fee.....</u>	<u>130.00</u>
7	<u>(6) Amusement permit liquor:</u>	
8	<u>(i) Permit fee.....</u>	<u>1/5 annual</u>
9		<u>license fee</u>
10	<u>(7) Amusement permit malt beverage:</u>	
11	<u>(i) Permit fee.....</u>	<u>1/5 annual</u>
12		<u>license fee</u>
13	<u>(8) Bailee for hire:</u>	
14	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
15	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
16	<u>(iii) License fee (prorated quarterly)....</u>	<u>530.00</u>
17	<u>(9) Bonded warehouse:</u>	
18	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
19	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
20	<u>(iii) License fee (prorated quarterly)....</u>	<u>530.00</u>
21	<u>(10) Brewery license:</u>	
22	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
23	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
24	<u>(iii) License fee (prorated quarterly)....</u>	<u>2,850.00</u>
25	<u>(iv) Transfer fee:</u>	
26	<u>(A) Person to person.....</u>	<u>1,300.00</u>
27	<u>(B) Place to place.....</u>	<u>1,100.00</u>
28	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
29	<u>(11) Distillery license:</u>	
30	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>

1	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
2	<u>(iii) License fee (prorated quarterly on</u>	
3	<u>volume).....</u>	<u>10,800.00</u>
4	<u>(12) Distillery certificate broker permit:</u>	
5	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
6	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
7	<u>(iii) Permit fee.....</u>	<u>350.00</u>
8	<u>(13) Distillery of historical significance:</u>	
9	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
10	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
11	<u>(iii) License fee (prorated quarterly)....</u>	<u>10,800.00</u>
12	<u>(14) Importer's liquor license:</u>	
13	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
14	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
15	<u>(iii) License fee.....</u>	<u>530.00</u>
16	<u>(iv) Transfer fee:</u>	
17	<u>(A) Person to person.....</u>	<u>1,300.00</u>
18	<u>(B) Place to place.....</u>	<u>1,100.00</u>
19	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
20	<u>(15) Importer's warehouse license:</u>	
21	<u>(i) Application filing fee, each</u>	
22	<u>warehouse.....</u>	<u>1,400.00</u>
23	<u>(ii) Renewal filing fee, each warehouse...</u>	<u>60.00</u>
24	<u>(iii) License fee, each warehouse.....</u>	<u>130.00</u>
25	<u>(16) Limited winery:</u>	
26	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
27	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
28	<u>(iii) License fee (prorated quarterly)....</u>	<u>770.00</u>
29	<u>(17) Malt beverage distributor:</u>	
30	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>

1	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
2	<u>(iii) License fee.....</u>	<u>1,200.00</u>
3	<u>(iv) Transfer fee:</u>	
4	<u>(A) Person to person.....</u>	<u>1,300.00</u>
5	<u>(B) Place to place.....</u>	<u>1,100.00</u>
6	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
7	<u>(18) Malt beverage importing distributor:</u>	
8	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
9	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
10	<u>(iii) License fee.....</u>	<u>2,700.00</u>
11	<u>(iv) Transfer fee:</u>	
12	<u>(A) Person to person.....</u>	<u>1,300.00</u>
13	<u>(B) Place to place.....</u>	<u>1,100.00</u>
14	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
15	<u>(19) Performing arts facility license:</u>	
16	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
17	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
18	<u>(iii) License fee.....</u>	<u>1,350.00</u>
19	<u>(20) Public service liquor license:</u>	
20	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
21	<u>(ii) Renewal filing fee.....</u>	<u>80.00</u>
22	<u>(iii) License fee, railroad cars, per</u>	
23	<u>car.....</u>	<u>130.00</u>
24	<u>(iv) License fee, steamship or vessel, per</u>	
25	<u>vessel.....</u>	<u>520.00</u>
26	<u>(v) License fee, per air carrier.....</u>	<u>520.00</u>
27	<u>(vi) Transfer fee, railroad car, steamship</u>	
28	<u>or vessel or per air carrier.....</u>	<u>110.00</u>
29	<u>(21) Public service license malt beverage:</u>	
30	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>

1	<u>(ii) Renewal filing fee.....</u>	<u>80.00</u>
2	<u>(iii) License fee, railroad cars, per</u>	
3	<u>car.....</u>	<u>80.00</u>
4	<u>(iv) License fee, steamship or vessel, per</u>	
5	<u>vessel.....</u>	<u>320.00</u>
6	<u>(v) License fee, per air carrier.....</u>	<u>110.00</u>
7	<u>(vi) Transfer fee, railroad cars, steamship</u>	
8	<u>or vessel or per air carrier.....</u>	<u>110.00</u>
9	<u>(22) Sacramental wine license:</u>	
10	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
11	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
12	<u>(iii) License fee.....</u>	<u>530.00</u>
13	<u>(iv) Transfer fee.....</u>	<u>90.00</u>
14	<u>(23) Sales permit; reciprocal:</u>	
15	<u>(i) Permit fee.....</u>	<u>To be set by</u>
16		<u>board not to</u>
17		<u>exceed</u>
18		<u>10,000.00</u>
19	<u>(24) Special occasion permit:</u>	
20	<u>(i) Permit fee, liquor or malt or brewed</u>	
21	<u>beverages, per day:</u>	
22	<u>(A) No investigation.....</u>	<u>60.00</u>
23	<u>(B) Investigation.....</u>	<u>170.00</u>
24	<u>(25) Stadium restaurant liquor license:</u>	
25	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
26	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
27	<u>(iii) License fee.....</u>	<u>1,400.00</u>
28	<u>(26) Stadium and arena malt beverage license:</u>	
29	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
30	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>

1	<u>(iii) License fee.....</u>	<u>300.00</u>
2	<u>(27) Sunday sales liquor:</u>	
3	<u>(i) Permit fee.....</u>	<u>600.00</u>
4	<u>(28) Sunday sales malt beverage:</u>	
5	<u>(i) Permit fee.....</u>	<u>600.00</u>
6	<u>(29) Trade show and convention liquor license:</u>	
7	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
8	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
9	<u>(iii) License fee.....</u>	<u>1,350.00</u>
10	<u>(iv) Transfer fee:</u>	
11	<u>(A) Person to person.....</u>	<u>1,300.00</u>
12	<u>(B) Place to place.....</u>	<u>1,100.00</u>
13	<u>(C) Double transfer.....</u>	<u>1,400.00</u>
14	<u>(30) Transporter for hire; Class A and C:</u>	
15	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
16	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
17	<u>(iii) License fee.....</u>	<u>530.00</u>
18	<u>(31) Transporter for hire; Class B:</u>	
19	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
20	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
21	<u>(iii) License fee.....</u>	<u>320.00</u>
22	<u>(32) Vendor's permit:</u>	
23	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
24	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
25	<u>(iii) Permit fee.....</u>	<u>530.00</u>
26	<u>(33) Winery:</u>	
27	<u>(i) Application filing fee.....</u>	<u>1,400.00</u>
28	<u>(ii) Renewal filing fee.....</u>	<u>60.00</u>
29	<u>(iii) License fee (prorated quarterly)....</u>	<u>770.00</u>
30	<u>(34) To be credited to the State Stores Fund</u>	

from each of the fees collected for hotel,
restaurant and club liquor licenses and
retail dispensers' licenses both malt and
brewed beverages..... 200.00

(35) Malt or brewed beverage brand
registration:

(i) Filing fee (per brand)..... 150.00

Section 2. Section 403(a) of the act, amended February 21,
2002 (P.L.103, No.10) and December 9, 2002 (P.L.1653, No.212),
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 or to another person 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."]
218. 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

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

1 compliance with all of the aforementioned requirements or unless
2 full compliance is impossible for reasons beyond the licensee's
3 control, in which event, the license may be transferred by the
4 board as provided in this act.

5 * * *

6 Section 3. Section 405(a) and (b) of the act, amended April
7 29, 1994 (P.L.212, No.30), are amended to read:

8 Section 405. License Fees.--(a) License fees for hotel and
9 restaurant liquor licenses shall be graduated according to the
10 population of the municipality as determined by the last
11 preceding decennial census of the United States in which the
12 hotel or restaurant is located, as prescribed in section [614-A
13 of the act of April 9, 1929 (P.L.177, No.175), known as "The
14 Administrative Code of 1929."] 218.

15 (b) Every applicant for a club liquor license shall pay to
16 the board a license fee, as prescribed in section [614-A of "The
17 Administrative Code of 1929,"] 218, except clubs to which
18 catering licenses are issued, in which cases the license fees
19 shall be the same as for hotels and restaurants located in the
20 same municipality.

21 * * *

22 Section 4. Section 406(a) (3) of the act, amended June 28,
23 2011 (P.L.55, No.11), is amended to read:

24 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

25 * * *

26 (3) Hotel and restaurant liquor licensees, municipal golf
27 course restaurant liquor licensees and privately-owned public
28 golf course restaurant licensees may sell liquor and malt or
29 brewed beverages on Sunday between the hours of eleven o'clock
30 antemeridian and two o'clock antemeridian Monday upon purchase

1 of a special permit from the board at an annual fee as
2 prescribed in section [614-A of the act of April 9, 1929
3 (P.L.177, No.175), known as "The Administrative Code of 1929."]
4 218. Airport restaurant liquor licensees may sell liquor and
5 malt or brewed beverages on Sunday between the hours of seven
6 o'clock antemeridian and two o'clock antemeridian Monday upon
7 purchase of a special permit from the board at an annual fee as
8 prescribed in section [614-A of the act of April 9, 1929
9 (P.L.177, No.175), known as "The Administrative Code of 1929."]
10 218.

11 * * *

12 Section 5. Section 407(b) (2) of the act, amended November
13 29, 2006 (P.L.1421, No.155), is amended to read:

14 Section 407. Sale of Malt or Brewed Beverages by Liquor
15 Licensees.--* * *

16 (b) * * *

17 (2) The application for a permit to sell malt or brewed
18 beverages for consumption off the premises shall be on forms
19 designated by the board and contain such information as the
20 board may require. The application and renewal fee shall be as
21 prescribed in section [614-A(27) of the act of April 9, 1929
22 (P.L.177, No.175), known as "The Administrative Code of 1929."]
23 218(27). However, no applicant who currently has a permit shall
24 be required to pay any additional fees under section [614-A(27)
25 of "The Administrative Code of 1929"] 218(27) in order to
26 continue selling malt or brewed beverages for consumption off
27 the premises at its currently licensed location for the
28 licensing term beginning November 1, 2007, and ending October
29 31, 2008.

30 * * *

1 Section 6. Section 408(c) of the act, amended December 21,
2 1998 (P.L.1202, No.155), is amended to read:

3 Section 408. Public Service Liquor Licenses.--* * *

4 (c) Every applicant for a public service liquor license
5 shall pay to the board for each of the maximum number of dining,
6 club or buffet cars which the applicant estimates it will have
7 in operation on any one day an annual fee as prescribed in
8 section [614-A of the act of April 9, 1929 (P.L.177, No.175),
9 known as "The Administrative Code of 1929."] 218.

10 * * *

11 Section 7. Section 408.4(h) of the act, amended December 9,
12 2002 (P.L.1653, No.212), is amended to read:

13 Section 408.4. Special Occasion Permits.--

14 (h) The board may issue a special occasion permit to an
15 eligible entity. The board may also issue a special occasion
16 permit to one auxiliary of any eligible entity. Any eligible
17 entity that wishes to acquire a special occasion permit must
18 submit a written application to the board in such form and
19 containing such information as the board shall from time to time
20 prescribe. The fee for special occasion permits shall be as set
21 forth under section [614-A(24) of the act of April 9, 1929
22 (P.L.177, No.175), known as "The Administrative Code of 1929."]
23 218(24).

24 * * *

25 Section 8. Section 409(b) of the act, amended June 25, 2010
26 (P.L.217, No.35), is amended to read:

27 Section 409. Sacramental Wine Licenses; Fees; Privileges;
28 Restrictions.--* * *

29 (b) Every applicant for a sacramental wine license shall
30 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 and a 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."] 218. 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 9. Section 410(b) and (c) of the act, amended December 21, 1998 (P.L.1202, No.155), are amended to read:

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."] 218. 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 Commonwealth, provided such licensed importer files with the

1 board a separate application for each warehouse in such form and
2 containing such information as the board may from time to time
3 require. The filing and license fees shall be as prescribed in
4 section [614-A of "The Administrative Code of 1929."] 218.

5 * * *

6 Section 10. Section 412(b) of the act, amended February 21,
7 2002 (P.L.103, No.10), is amended to read:

8 Section 412. Public Venue License.--* * *

9 (b) An application for a restaurant liquor license under
10 this section may be made by the owner of the public venue, the
11 operator of the public venue or by a concessionaire designated
12 by the governing body of either the owner of the public venue or
13 the operator. The application and issuance of the license is
14 subject to sections 403 and 404 unless otherwise stated. The
15 licensing period shall be as set forth by the board under
16 section 402. The application, renewal and filing fees shall be
17 as prescribed in section [614-A(25) of the act of April 9, 1929
18 (P.L.177, No.175), known as "The Administrative Code of 1929."]
19 218(25).

20 * * *

21 Section 11. Section 413(b) of the act, added December 20,
22 2000 (P.L.992, No.141), is amended to read:

23 Section 413. Performing Arts Facility License.--* * *

24 (b) An application for a restaurant liquor license under
25 this section may be made by the operator of the performing arts
26 facility or by a concessionaire designated by the governing body
27 of the operator of the performing arts facility. The licensing
28 period shall be as set forth by the board under section 402. The
29 application and issuance of the license are subject to sections
30 403 and 404 unless otherwise stated. The application, renewal

1 and filing fees shall be as prescribed in section [614-A(19) of
2 the act of April 9, 1929 (P.L.177, No.175), known as "The
3 Administrative Code of 1929."] 218(19).

4 * * *

5 Section 12. Section 414(a) of the act, added February 21,
6 2002 (P.L.103, No.10), is amended to read:

7 Section 414. Continuing Care Retirement Community Retail
8 Licenses.--(a) The board is authorized to issue a restaurant
9 liquor license to a continuing care retirement community, as
10 that term is defined in this act, or its designated
11 concessionaire. The licensing period shall be established under
12 section 402. The application and issuance of the license is
13 subject to sections 403 and 404 unless otherwise stated. The
14 application, renewal and filing fee shall be as prescribed in
15 section [614-A(1) of the act of April 9, 1929 (P.L.177, No.175),
16 known as "The Administrative Code of 1929."] 218(1).

17 * * *

18 Section 13. Section 431(e) of the act, amended December 21,
19 1998 (P.L.1202, No.155), is amended to read:

20 Section 431. Malt and Brewed Beverages Manufacturers',
21 Distributors' and Importing Distributors' Licenses.--* * *

22 (e) In addition to the fees under section [614-A of the act
23 of April 9, 1929 (P.L.177, No.175), known as "The Administrative
24 Code of 1929,"] 218, the board shall assess a fee surcharge of
25 ninety-five dollars (\$95.00) for a distributor's license and a
26 fee surcharge of four hundred seventy dollars (\$470.00) for an
27 importing distributor's license and a fee surcharge of seventy-
28 five dollars (\$75.00) for brand registration. Money collected
29 under this subsection shall be placed in a restricted account in
30 The State Stores Fund. The board may use the money in this

1 account to implement section 216. In the event the provisions of
2 section 447(a)(2) and/or (c) are held invalid, then this
3 subsection shall be void and shall not apply.

4 * * *

5 Section 14. Section 431.1(e) of the act, added February 21,
6 2002 (P.L.103, No.10), is amended to read:

7 Section 431.1. Malt and Brewed Beverages Alternating
8 Brewers' Licenses.--* * *

9 (e) The application, renewal and filing fees for a malt and
10 brewed beverages alternating brewer's license shall be as
11 prescribed in section [614-A(10) of the act of April 9, 1929
12 (P.L.177, No.175), known as "The Administrative Code of 1929."]
13 218(10).

14 Section 15. Section 432(f) of the act, amended November 29,
15 2006 (P.L.1421, No.155), is amended to read:

16 Section 432. Malt and Brewed Beverages Retail Licenses.--* *
17 *

18 (f) Hotel, eating places, or municipal golf course retail
19 dispenser licensees may sell malt or brewed beverages between
20 the hours of eleven o'clock antemeridian on Sunday and two
21 o'clock antemeridian on Monday upon purchase of a special permit
22 from the board at an annual fee as prescribed in section [614-A
23 of the act of April 9, 1929 (P.L.177, No.175), known as "The
24 Administrative Code of 1929,"] 218, which shall be in addition
25 to any other license fees.

26 Section 16. Section 435 of the act, amended December 21,
27 1998 (P.L.1202, No.155), is amended to read:

28 Section 435. Filing of Applications for Distributors',
29 Importing Distributors' and Retail Dispensers' Licenses; Filing
30 Fee.--Every person intending to apply for a distributor's,

1 importing distributor's or retail dispenser's license, as
2 aforesaid, in any municipality of this Commonwealth, shall file
3 with the board his or its application. All such applications
4 shall be filed at a time to be fixed by the board. The applicant
5 shall file with the board fees as prescribed in section [614-A
6 of the act of April 9, 1929 (P.L.177, No.175), known as "The
7 Administrative Code of 1929."] 218.

8 Section 17. Section 439 of the act, amended April 29, 1994
9 (P.L.212, No.30), is amended to read:

10 Section 439. Malt or Brewed Beverage License Fees.--No
11 public service license and no license to any manufacturer,
12 distributor, importing distributor or retail dispenser shall be
13 issued, renewed or validated under the provisions of this
14 subdivision (B) until the licensee shall have first paid an
15 annual license fee, as prescribed in section [614-A of the act
16 of April 9, 1929 (P.L.177, No.175), known as "The Administrative
17 Code of 1929."] 218. Whenever any checks issued in payment of
18 filing and/or license fees shall be returned to the board as
19 dishonored, the board shall charge a fee of five dollars (\$5.00)
20 per hundred dollars or fractional part thereof, plus all protest
21 fees, to the maker of such check submitted to the board. Failure
22 to make full payment or pay the face amount of the check in full
23 and all charges thereon as herein required within ten days after
24 demand has been made by the board upon the maker of the check or
25 upon notification to the board by the Department of Revenue or
26 the Department of Labor and Industry of its objection, the
27 license of such person shall immediately become invalid and
28 shall remain invalid until payment and all charges are received
29 by the board.

30 Section 18. Section 442(a)(3) of the act, amended November

1 29, 2006 (P.L.1421, No.155), is amended to read:

2 Section 442. Retail Dispensers' Restrictions on Purchases
3 and Sales.--(a) * * *

4 (3) The application for a permit to sell malt or brewed
5 beverages for consumption off the premises shall be on forms
6 designated by the board and contain such information as the
7 board may require. The application and renewal fee shall be as
8 prescribed in section [614-A(28) of the act of April 9, 1929
9 (P.L.177, No.175), known as "The Administrative Code of 1929."]
10 218(28). However, no applicant who currently has a permit shall
11 be required to pay any additional fees under section [614-A(28)
12 of "The Administrative Code of 1929"] 218(28) in order to
13 continue selling malt or brewed beverages for consumption off
14 the premises at its currently licensed location for the
15 licensing term beginning November 1, 2007, and ending October
16 31, 2008.

17 * * *

18 Section 19. Section 445(a) of the act, amended June 28, 2011
19 (P.L.55, No.11), is amended to read:

20 Section 445. Brand Registration.--(a) No brand or brands of
21 malt or brewed beverages shall be offered, sold or delivered to
22 any trade buyer within this Commonwealth unless the manufacturer
23 thereof shall first submit an application in the form and manner
24 prescribed by the board for the registration of the said brand
25 or brands of malt beverages, together with an annual filing fee
26 not to exceed seventy-five dollars (\$75) for each brand
27 registration requested as set forth in section [614-A(35) of the
28 act of April 9, 1929 (P.L.177, No.175), known as "The
29 Administrative Code of 1929."]
30 [614-A(35) of that act] 218(35). Notwithstanding section
[614-A(35) of that act] 218(35), up to twenty brands may be

1 registered for a single annual fee of one hundred fifty dollars
2 (\$150.00), so long as one hundred barrels or less of each brand
3 is produced on an annual basis. Any brand or brands of malt or
4 brewed beverages that are produced by a manufacturer but not
5 offered for sale because of additional aging of the beverages
6 shall only be registered at the time the brand or brands are
7 offered for sale. In the event an out-of-State or foreign
8 manufacturer of malt or brewed beverages has granted franchise
9 rights to any person for the sale and distribution of its brand
10 products but which person is not licensed to sell and distribute
11 the same in this Commonwealth, said such person shall
12 nevertheless be required to register the involved brand before
13 offering the same for sale in Pennsylvania. It is further
14 conditioned that the person holding such franchise rights shall,
15 together with its application for brand registration, file with
16 the board copies of all agreements between it and the
17 Pennsylvania importing distributor appointed by such person to
18 sell and distribute the brands of malt or brewed beverages as
19 provided by sections 431 and 492. Such agreement shall contain
20 the manufacturer's consent and approval to the appointment of
21 the Pennsylvania importing distributor and the rights conferred
22 thereunder.

23 * * *

24 Section 20. Section 461(b.1)(5) of the act, amended
25 November 29, 2006 (P.L.1421, No.155), is amended to read:

26 Section 461. Limiting Number of Retail Licenses To Be Issued
27 In Each County.--* * *

28 (b.1) The board may issue restaurant and eating place retail
29 dispenser licenses and renew licenses issued under this
30 subsection without regard to the quota restrictions set forth in

subsection (a) for the purpose of economic development in a municipality under the following conditions:

* * *

(5) In addition to renewal and license fees provided under existing law for the type of license issued, an applicant shall be required to pay an initial application surcharge as follows:

(i) Fifty thousand dollars (\$50,000) if the licensed premises is located in a county of the first through fourth class.

(ii) Twenty-five thousand dollars (\$25,000) if the licensed premises is located in a county of the fifth through eighth class.

(iii) The initial application surcharge minus a seven hundred dollar (\$700) processing fee shall be refunded to the applicant if the board refuses to issue a provisional license under subsection (b.2). Otherwise, the initial application surcharge minus a seven hundred dollar (\$700) processing fee shall be credited to The State Stores Fund. The processing fee shall be treated as an application filing fee as prescribed in section [614-A(1)(i) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." 218(1)(i).

* * *

Section 21. Section 469 of the act, amended December 21, 1998 (P.L.1202, No.155), is amended to read:

Section 469. Applications for Transfers; Fees.--(a) Every applicant for a transfer of a license under the provisions of this article shall file a written application with the board, together with 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." 218.

1 (b) Whenever any license is transferred, no license or other
2 fees shall be required from the persons to whom such transfer is
3 made for the portion of the license period for which the license
4 fee has been paid by the transferor, except for transfer fees
5 provided in section [614-A of "The Administrative Code of
6 1929."] 218.

7 Section 22. Section 471(b) of the act, amended July 6, 2005
8 (P.L.135, No.39), is amended to read:

9 Section 471. Revocation and Suspension of Licenses; Fines.--

10 * * *

11 (b) Hearing on such citations shall be held in the same
12 manner as provided herein for hearings on applications for
13 license. Upon such hearing, if satisfied that any such violation
14 has occurred or for other sufficient cause, the administrative
15 law judge shall immediately suspend or revoke the license, or
16 impose a fine of not less than [fifty dollars (\$50)] one hundred
17 dollars (\$100) nor more than [one thousand dollars (\$1,000)] two
18 thousand dollars (\$2,000), or both, notifying the licensee by
19 registered letter addressed to his licensed premises. If the
20 licensee has been cited and found to have violated section
21 493(1) insofar as it relates to sales to minors or sales to a
22 visibly intoxicated person, section 493(10) insofar as it
23 relates to lewd, immoral or improper entertainment or section
24 493(14), (16) or (21), or has been found to be a public nuisance
25 pursuant to section 611, or if the owner or operator of the
26 licensed premises or any authorized agent of the owner or
27 operator has been convicted of any violation of the act of April
28 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
29 Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902
30 (relating to prostitution and related offenses) or 6301

1 (relating to corruption of minors), at or relating to the
2 licensed premises, the administrative law judge shall
3 immediately suspend or revoke the license, or impose a fine of
4 not less than [one thousand dollars (\$1,000)] five thousand
5 dollars (\$5,000) nor more than [five thousand dollars (\$5,000)]
6 ten thousand dollars (\$10,000), or both. However, if a licensee
7 has been cited and found to have violated section 493(1) as it
8 relates to sales to minors or sales to a visibly intoxicated
9 person but at the time of the sale the licensee was in
10 compliance with the requirements set forth in section 471.1 and
11 the licensee had not sold to minors or visibly intoxicated
12 persons in the previous four years, then the administrative law
13 judge shall immediately suspend or revoke the license, or impose
14 a fine of not less than [fifty dollars (\$50)] one hundred
15 dollars (\$100) nor more than [one thousand dollars (\$1,000)] two
16 thousand dollars (\$2,000), or both. The administrative law judge
17 shall notify the licensee by registered mail, addressed to the
18 licensed premises, of such suspension, revocation or fine. In
19 the event the fine is not paid within twenty days of the
20 adjudication, the administrative law judge shall suspend or
21 revoke the license, notifying the licensee by registered mail
22 addressed to the licensed premises. Suspensions and revocations
23 shall not go into effect until thirty days have elapsed from the
24 date of the adjudication during which time the licensee may take
25 an appeal as provided for in this act, except that revocations
26 mandated in section 481(c) shall go into effect immediately. Any
27 licensee whose license is revoked shall be ineligible to have a
28 license under this act until the expiration of three years from
29 the date such license was revoked. In the event a license is
30 revoked, no license shall be granted for the premises or

1 transferred to the premises in which the said license was
2 conducted for a period of at least one year after the date of
3 the revocation of the license conducted in the said premises,
4 except in cases where the licensee or a member of his immediate
5 family is not the owner of the premises, in which case the board
6 may, in its discretion, issue or transfer a license within the
7 said year. In the event the bureau or the person who was fined
8 or whose license was suspended or revoked shall feel aggrieved
9 by the adjudication of the administrative law judge, there shall
10 be a right to appeal to the board. The appeal shall be based
11 solely on the record before the administrative law judge. The
12 board shall only reverse the decision of the administrative law
13 judge if the administrative law judge committed an error of law,
14 abused its discretion or if its decision is not based on
15 substantial evidence. In the event the bureau or the person who
16 was fined or whose license was suspended or revoked shall feel
17 aggrieved by the decision of the board, there shall be a right
18 to appeal to the court of common pleas in the same manner as
19 herein provided for appeals from refusals to grant licenses.
20 Each of the appeals shall act as a supersedeas unless, upon
21 sufficient cause shown, the reviewing authority shall determine
22 otherwise; however, if the licensee has been cited and found to
23 have violated section 493(1) insofar as it relates to sales to
24 minors or sales to a visibly intoxicated person, 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
30 Controlled Substance, Drug, Device and Cosmetic Act," or of 18

1 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,
2 or if the license has been revoked under section 481(c), its
3 appeal shall not act as a supersedeas unless the reviewing
4 authority determines otherwise upon sufficient cause shown. In
5 any hearing on an application for a supersedeas under this
6 section, the reviewing authority may consider, in addition to
7 other relevant evidence, documentary evidence, including records
8 of the bureau, showing the prior history of citations, fines,
9 suspensions or revocations against the licensee; and the
10 reviewing authority may also consider, in addition to other
11 relevant evidence, evidence of any recurrence of the unlawful
12 activity occurring between the date of the citation which is the
13 subject of the appeal and the date of the hearing. If the
14 reviewing authority is the board, no hearing shall be held on
15 the application for a supersedeas; however, a decision shall be
16 made based on the application, answer and documentary evidence
17 under this subsection. If the application for a supersedeas is
18 for a license that has been revoked under section 481(c), the
19 reviewing authority shall grant the supersedeas only if it finds
20 that the licensee will likely prevail on the merits. No penalty
21 provided by this section shall be imposed for any violations
22 provided for in this act unless the bureau notifies the licensee
23 of its nature within thirty days of the completion of the
24 investigation.

25 * * *

26 Section 23. Section 492(8) of the act, amended December 9,
27 2002 (P.L.1653, No.212), is amended to read:

28 Section 492. Unlawful Acts Relative to Malt or Brewed
29 Beverages and Licensees.--

30 It shall be unlawful--

1 * * *

2 (8) Transportation and Importation of Malt or Brewed
3 Beverages. For any person, to transport malt or brewed beverages
4 except in the original containers, or to transport malt or
5 brewed beverages for another who is engaged in selling either
6 liquor or malt or brewed beverages, unless such person shall
7 hold (a) a license to transport for hire, alcohol, liquor and
8 malt or brewed beverages, as hereinafter provided in this act,
9 or (b) shall hold a permit issued by the board and shall have
10 paid to the board such permit fee, as prescribed in section
11 [614-A of the act of April 9, 1929 (P.L.177, No.175), known as
12 "The Administrative Code of 1929,"] 218, any other law to the
13 contrary notwithstanding. This clause shall not be construed:

14 (i) to prohibit transportation of malt or brewed beverages
15 through this Commonwealth and not for delivery in this
16 Commonwealth if such transporting is done in accordance with the
17 rules and regulations of the board; or

18 (ii) to prohibit railroad and Pullman companies from selling
19 malt or brewed beverages purchased outside this Commonwealth in
20 their dining, club and buffet cars which are covered by public
21 service liquor licenses and which are operated in this
22 Commonwealth.

23 * * *

24 Section 24. Section 493(10) of the act, amended June 28,
25 2011 (P.L.55, No.11), is amended to read:

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

1 It shall be unlawful--

2 * * *

3 (10) Entertainment on Licensed Premises (Except Clubs);
4 Permits; Fees. For any licensee, his servants, agents or
5 employes, except club licensees, public venue licensees or
6 performing arts facility licensees, to permit in any licensed
7 premises or in any place operated in connection therewith,
8 dancing, theatricals or floor shows of any sort, or moving
9 pictures other than television, or such as are exhibited through
10 machines operated by patrons by the deposit of coins, which
11 project pictures on a screen not exceeding in size twenty-four
12 by thirty inches and which forms part of the machine, unless the
13 licensee shall first have obtained from the board a special
14 permit to provide such entertainment, or for any licensee, under
15 any circumstances, to permit in any licensed premises or in any
16 place operated in connection therewith any lewd, immoral or
17 improper entertainment, regardless of whether a permit to
18 provide entertainment has been obtained or not. The special
19 permit may be used only during the hours when the sale of liquor
20 or malt or brewed beverages is permitted, unless the licensee
21 holds an extended hours food license under section 499(b) which
22 license would allow the special permit to be used while the
23 establishment is open, and between eleven o'clock antemeridian
24 on Sunday and two o'clock antemeridian on the following Monday,
25 regardless of whether the licensee possesses a Sunday sales
26 permit. The board shall have power to provide for the issue of
27 such special permits, and to collect an annual fee for such
28 permits as prescribed in section [614-A of the act of April 9,
29 1929 (P.L.177, No.175), known as "The Administrative Code of
30 1929."] 218. 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.

* * *

Section 25. Sections 508(a), 704 and 707 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 508. License Fees.--(a) The annual fee for every license issued to a limited winery or a winery 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."]
218. The fee for every license issued to a distillery (manufacturer) shall be as prescribed in section [614-A of "The Administrative Code of 1929."]
218. The annual fee for all other licenses shall be as prescribed in section [614-A of "The Administrative Code of 1929."]
218. Whenever any checks issued in payment of filing and/or license fees shall be returned to the board as dishonored, the board shall charge a fee of five dollars (\$5.00) per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to make full payment or pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check, the license of such person shall not be renewed for the license period or validated for any interim period for such year.

* * *

Section 704. Application for Permit; Filing Fee.--Every applicant for a distillery certificate broker permit shall file

1 a written application with the board outlining his plan of
2 business in dealing in distillery bonded warehouse certificates,
3 in such form and containing such other information as the board
4 shall from time to time prescribe, which shall be accompanied by
5 a filing fee as prescribed in section [614-A of the act of April
6 9, 1929 (P.L.177, No.175), known as "The Administrative Code of
7 1929,"] 218 and the prescribed permit fee. If the applicant is a
8 natural person, his application must show that he is a citizen
9 of the United States, and if a corporation, the application must
10 show that the corporation was created under the laws of
11 Pennsylvania or holds a certificate of authority to transact
12 business in Pennsylvania. The application shall be signed and
13 verified by oath or affirmation of the applicant, if a natural
14 person, or in the case of an association, by a member or partner
15 thereof, or in the case of a corporation, by an executive
16 officer thereof or any person specifically authorized by the
17 corporation to sign the application, to which shall be attached
18 written evidence of his authority. If the applicant is an
19 association, the application shall set forth the names and
20 addresses of the persons constituting the association, and if a
21 corporation, the names and addresses of all the officers
22 thereof. All applications must be verified by affidavit of
23 applicant and if any false statement is intentionally made in
24 any part of the application, the signer shall be guilty of a
25 misdemeanor and upon indictment and conviction, shall be subject
26 to penalties provided by this article.

27 Section 707. Permit Fee; Permits Not Assignable or
28 Transferable; Display of Permit; Term of Permit.--Every
29 applicant for distillery certificate broker permit shall, before
30 receiving such permit, pay to the board an annual permit 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."]
218. Permits issued under this act may not be assigned or
transferred and shall be conspicuously displayed at the place of
business of the permittee. All permits shall be valid only
during the period for which issued and shall automatically
expire on the last day of the license period of each calendar
year unless suspended, revoked or cancelled prior thereto.

Section 26. Section 802(e) of the act is amended to read:

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

(e) Annually, the General Assembly shall make an
appropriation from the State Stores Fund in the amounts
collected in the prior fiscal year under section 471 to provide
for the operational expenses of the enforcement bureau.

* * *

Section 27. Repeals are as follows:

(1) The General Assembly declares that the repeal under
paragraph (2) is necessary to effectuate this act.

(2) Section 614-A of the act of April 9, 1929 (P.L.177,
No.175), known as The Administrative Code of 1929, is
repealed.

Section 28. This act shall take effect in 60 days.