

MUNICIPALITIES (53 PA.C.S.) AND REAL AND PERSONAL PROPERTY (68  
PA.C.S.) - BUSINESSES OPERATED BY MINORS  
Act of Jun. 30, 2021, P.L. 184, No. 34 Cl. 53  
Session of 2021  
No. 2021-34

HB 664

AN ACT

Amending Titles 53 (Municipalities Generally) and 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in preemptions, providing for businesses operated by minors; and, in general provisions relating to planned communities, providing for businesses operated by minors.

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

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

**§ 306. Businesses operated by minors.**

(a) **Restrictions on business licenses and permits.--**Notwithstanding any other provision of law:

(1) a municipality or an agency of a municipality may not require a business license for a business that is:

- (i) operated on an occasional basis by a minor; and
- (ii) located a sufficient distance, as determined by the municipality, from a commercial entity required to obtain a business license from the municipality or an agency of the municipality to prevent the minor's business from becoming a direct economic competitor of the commercial entity.

(2) A municipality may not prohibit a business operated by a minor from operating in a primarily residential zone or unzoned area in the municipality.

(b) **Construction.--**Nothing in this section may be construed to prohibit a municipality from enacting and enforcing local laws relating to the manner in which a business may be operated by a minor, with the exception of a requirement that the minor obtain a permit or business license prior to operating the business.

(c) **Definitions.--**As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Business."

(1) An enterprise that is:

(i) Exclusively owned by one or more minors receiving not more than \$5,000 in net proceeds per year from the enterprise unless the enterprise is created for a charitable purpose.

(ii) Carried on for the purpose of gain or economic profit.

(2) The term does not include:

(i) An act of an employee rendering services to an employer.

(ii) An enterprise organized as a form of for-profit corporation, limited liability partnership or company under the provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations).

"Business license." A license or permit required by a municipality to temporarily or permanently offer sale of goods or provision of services or otherwise operate an enterprise in the municipality. This term does not include a building permit.

"Minor." A person under 18 years of age.

"Municipality." A county, city, borough, incorporated town, township or home rule municipality.

"Occasional basis." A business that does not operate more than 84 days in a calendar year.

Section 2. Title 68 is amended by adding a section to read:  
§ 5115. Businesses operated by minors.

(a) Restrictions on licenses.--Notwithstanding any other provision of law, an association or an agency of an association may not require a license for a business that is operated on an occasional basis by a minor.

(b) Construction.--Nothing in this section may be construed to:

(1) Prohibit an association from enacting and enforcing association rules relating to the manner in which a business may be conducted by a minor, with the exception of a requirement that the minor obtain a license prior to engaging in a business.

(2) Void provisions of bylaws or declarations adopted in accordance with law prior to the effective date of this section.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Business." An enterprise carried on for the purpose of gain or economic profit. The term does not include an act of an employee rendering services to an employer.

"License." A license or permit required by an association to temporarily or permanently offer sale of goods or provision of services or otherwise operate an enterprise in the municipality in which the association is located.

"Minor." A person under 18 years of age.

"Occasional basis." A business that does not operate more than 84 days in a calendar year.

Section 3. This act shall take effect in 60 days.

APPROVED--The 30th day of June, A.D. 2021.

TOM WOLF