

LIQUOR CODE - OMNIBUS AMENDMENTS
Act of Apr. 29, 1994, P.L. 212, No. 30

Cl. 47

Session of 1994
No. 1994-30

SB 1011

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," providing for license periods; further providing for the Bureau of Consumer Relations; providing for license fees; further providing for performing arts facilities and for special occasion permits; providing for the issuance of a restricted restaurant license for certain premises in a city of the first class; exempting units of nonprofit nationally chartered clubs from licensing quotas; providing for privately owned private golf courses; further providing for licensee advertisements; and providing for additional activities of limited wineries and for money paid into The State Stores Fund.

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

Section 1. Section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a definition to read:

Section 102. Definitions.--The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

"License period" shall mean the term for which the licenses and permits under the authority of this act are issued. License periods for hotel, restaurant, club and eating place licenses shall be established for a period of up to two years and, for the purpose of efficient and expedient processing, may be staggered. License periods for all other licenses and permits may be set by the board up to a maximum of four years and, for the purpose of efficient and expedient processing, may be staggered. The board shall collect the license/permit fees as authorized for each license/permit on an annual basis and shall prorate the annual license fee when required. The board shall extend and validate license privileges for each one-year portion of the license term upon timely receipt of proper fees, provided

that no objection is received from the Department of Revenue or the Department of Labor and Industry. If at any time the licensee/permittee is not in compliance with the provisions of this act or any other laws of this Commonwealth, the licensee/permittee shall be subject to citation by the Pennsylvania State Police's Bureau of Liquor Control Enforcement.

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Section 2. Section 213 of the act is amended to read:

Section 213. Bureau of Consumer Relations.--The board shall establish a Bureau of Consumer Relations which shall be responsible for handling all consumer complaints and suggestions. The bureau shall develop a system-wide program for investigating all complaints and suggestions and implementing improvements into the State store system. **The management of the bureau shall be vested in a director, who shall be assisted by such other personnel as the board deems necessary.**

Section 3. The heading and subsection (a) of section 402 of the act, amended June 30, 1992 (P.L.327, No.66), are amended to read:

Section 402. License Districts; License [Year] **Period;** Hearings.--(a) The board shall[, by regulation, divide the State into convenient license districts and shall] hold hearings on applications for licenses and renewals thereof, as it deems necessary, [at a convenient place or places in each of said districts,] at such times as it shall fix[, by regulation,] for the purpose of hearing testimony for and against applications for new licenses and renewals thereof. The board shall hold a hearing on any application for a new hotel, club or restaurant liquor license or the transfer of any such license to a new location, upon the request of any person with standing to testify under subsection (b) if the request is filed with the board within the first fifteen days of posting of the notice of application pursuant to section 403(g). The board may provide for the holding of such hearings by hearing examiners learned in the law, to be appointed by the Governor, who shall not be subject to the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." Such hearing examiners shall make a report to the board in each case with their recommendations. The board [shall, by regulation,] **may** fix the license [year] **period** for each separate [district] **license** so that the expiration dates shall be [uniform in each of the several districts but] staggered as to the State.

* * *

Section 4. Sections 403(a) and 404 of the act are 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 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 [of twenty dollars (\$20), the prescribed license 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,"** and the bond hereinafter specified. 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 alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, restaurant or club, nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval, and the licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes to the licensed premises, or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license, and is satisfied that the establishment is a restaurant, hotel or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event, the license may be transferred by the board as provided in [section 468 of] this act [for the transfer of the license in the case of death of the licensee].

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Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses.--Upon receipt of the application, the proper fees and bond, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new

license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: [And provided further, That the board shall not issue new licenses in any license district more than twice each license year, effective from specific dates fixed by the board, and new licenses shall not be granted, except for hotels as defined in this act, unless the application therefor shall have been filed at least thirty days before the effective date of the license: And provided further, That nothing herein contained shall prohibit the board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such district, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made or within the thirty days immediately preceding such term, nor shall anything herein contained prohibit the board from issuing at any time a new license for an airport restaurant, or municipal golf course, as defined in section 461 of this act, for the balance of the unexpired license term in any license district:] And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. **Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.**

Section 5. Section 405 of the act, amended May 31, 1990 (P.L.224, No.48), is amended to read:

Section 405. License Fees.--(a) License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located, [as follows:

In municipalities having a population of less than fifteen hundred inhabitants, one hundred fifty dollars (\$150.00).

In municipalities, except townships, having a population of fifteen hundred and more but less than ten thousand inhabitants, and in townships having a population of fifteen hundred and more but less than twelve thousand inhabitants, two hundred dollars (\$200.00).

In municipalities, except townships, having a population of ten thousand and more but less than fifty thousand inhabitants, and in townships having a population of twelve thousand and more but less than fifty thousand inhabitants, three hundred dollars (\$300.00).

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants, four hundred dollars (\$400.00).

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants, five hundred dollars (\$500.00).

In those having a population of one hundred fifty thousand and more inhabitants, six hundred dollars (\$600.00).] **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."**

(b) Every applicant for a club liquor license shall pay to the board a license fee [of fifty dollars (\$50.00)], **as prescribed in section 614-A of "The Administrative Code of 1929,"** except clubs to which catering licenses are issued, in which cases the license fees shall be the same as for hotels and restaurants located in the same municipality.

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities in which such fees were collected.

(d) 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, **or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection,** the license of such person[, if issued,] shall immediately [terminate and be cancelled without any action on the part of the board.] **become invalid and shall remain invalid until payment and all charges are received by the board.**

(e) Every application for a restaurant liquor license for a nonprimary pari-mutuel wagering location or a racetrack shall be accompanied by an applicant's fee of five thousand dollars (\$5,000) and a bond in the penal sum of two thousand dollars (\$2,000)[.] **for the first year of a licensing period.** Thereafter, the nonprimary pari-mutuel wagering location or the racetrack shall be subject to the above stated fees for restaurant licenses and the filing of a [yearly] bond in the amount of two thousand dollars (\$2,000)[. Such license can be issued at any time; thereafter, the license shall be renewed for the same time period as provided for restaurant licenses pursuant to section 402 of this act.] **for each year of a licensing period.**

Section 6. Sections 406(a)(3) and (4) and (b), 408(c) and (d), 408.1(b), (d) and (e), 408.2(b), (d) and (e) and 408.3(a.2), (d) and (e) of the act are amended to read:

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

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(3) Hotel and restaurant liquor licensees, airport restaurant liquor licensees, municipal golf course restaurant liquor licensees and privately-owned public golf course restaurant licensees whose sales of food and nonalcoholic beverages are equal to forty per centum or more of the combined gross sales of both food and alcoholic beverages may sell liquor and malt or brewed beverages on Sunday between the hours of eleven o'clock antemeridian and two o'clock antemeridian Monday upon purchase of a special [annual] permit from the board at [a] **an annual** fee [of two hundred dollars (\$200.00) per year, which shall be in addition to any other license fees.] **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."**

(4) Hotel and restaurant liquor licensees, airport restaurant liquor licensees, municipal golf course restaurant liquor licensees and privately-owned public golf course restaurant licensees which do not qualify for and purchase such [annual] special permit, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day and until two o'clock antemeridian of the following day, and shall not sell after two o'clock antemeridian on Sunday. No hotel, restaurant and public service liquor licensee which does not have the special [annual] permit for Sunday sales shall sell liquor and malt or brewed beverages after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls, except, that, in the case of a special election for members of the General Assembly or members of the Congress of the United States, when such special election is held on other than a primary, municipal or general election day, licensees in those Legislative or Congressional Districts may make such sales, as though the day were not a special election day. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day. No public service liquor licensee or its servants, agents, or employes may sell liquor or malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

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(b) Such Sunday sales by hotel and restaurant liquor licensees which qualify for and purchase such [annual] special permit, their servants, agents and employes, shall be made subject to the restrictions imposed by the act on sales by hotels and restaurants for sales on weekdays as well as those restrictions set forth in this section.

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

(c) Every applicant for a public service liquor license shall[, before receiving such license,] file with the board a surety bond as hereinafter prescribed, pay to the board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee [of twenty dollars (\$20.00), and for each steamship or vessel or aircraft for which a license is desired an annual fee of one hundred dollars (\$100.00).] **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."**

(d) Unless previously revoked, every license issued by the board under this section shall expire [and terminate on the thirty-first day of December, in the year] **if the annual fee is not timely paid or on the last day of the license period** for which the license is issued. Licenses issued under the provisions of this section shall be renewed [annually,] as herein provided, upon the filing of applications in such form as the board shall prescribe, but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee [specified in this section].

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Section 408.1. Trade Show and Convention Licenses.--* * *

(b) The application for a trade show and convention license may be filed at any time and shall conform with all requirements for restaurant liquor license applications except as may be otherwise provided herein. The applicant shall submit such other

information as the board may require. Application shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The filing fee which shall accompany the trade show and convention license application shall be [twenty dollars (\$20).] **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."**

* * *

(d) The license shall be issued for the same period as provided for restaurant licenses and shall be renewed as in section 402. The license shall terminate upon revocation by the board or upon termination of the contract between the concessionaire and the city or authority[.] **and shall not be validated if the annual fee is not timely paid.**

(e) The annual fee for a trade show and convention license shall be [six hundred dollars (\$600), and shall accompany the application for the license.] **as prescribed in section 614-A of "The Administrative Code of 1929."** Whenever a concessionaire's contract terminates the license shall be returned to the board for cancellation and a new license shall be issued to a new applicant.

* * *

Section 408.2. City-Owned Stadia.--* * *

(b) The application for a city-owned stadium license may be filed [at any time] by a concessionaire selected and certified by the city or its authorized agency and shall conform with all requirements for restaurant-liquor licenses and applications except as may otherwise be provided herein. Applicant shall submit such other information as the board may require. Applications shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The filing fee [which shall accompany the license application] shall be [twenty dollars (\$20).] **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."**

* * *

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination of the contract between the concessionaire and the city[.] **and shall not be validated if the annual fee is not timely paid.**

(e) The annual fee for a stadium license shall be [six hundred dollars (\$600), and shall accompany the application for the license.] **as prescribed in section 614-A of "The Administrative Code of 1929."** Whenever a concessionaire's contract terminates the license shall be returned to the board for cancellation and a new license shall be issued to a new applicant.

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Section 408.3. Performing Arts Facilities.--* * *

(a.2) The board is authorized to approve the transfer of a restaurant license to one nonprofit corporation operating a theater for the performing arts in each city **and borough** which has a seating capacity of at least two hundred fifty (250) persons, except where prohibited by local option, for the retail sale of liquor and malt or brewed beverages by the glass, open bottle or other container or in any mixture for consumption in any such theater for the performing arts.

* * *

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as

provided in section 402. The license shall terminate upon revocation by the board or upon termination of the contract between the concessionaire and the operator of such theater for the performing arts[.] **and shall not be validated if the annual fee is not timely paid.**

(e) The annual fee for a performing arts facility [shall accompany the application for the license and] shall be as prescribed in clause (19) of section 614-A of "The Administrative Code of 1929." Whenever and if a concessionaire's contract terminates the license shall be returned to the board for cancellation and a new license shall be issued to a new applicant.

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Section 7. Section 408.4(a) of the act, amended July 2, 1993 (P.L.429, No.61), is amended to read:

Section 408.4. Special Occasion Permits.--(a) Upon application of any hospital, church, synagogue, volunteer fire company, volunteer ambulance company, volunteer rescue squad, **nonprofit agricultural association in existence for at least ten years**, bona fide sportsmen's club in existence for at least ten years, nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, or the auxiliary of any of the foregoing, and upon payment of the prescribed fee for special occasion permits under section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," the board shall issue a special occasion permit good for a period of not more than five consecutive or nonconsecutive days: Provided, however, That the five nonconsecutive days shall be used in a three-month period measured from the date of the first day. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or a nonprofit corporation engaged in the performing arts in a city of the third class for a period of not more than six nonconsecutive or ten consecutive days at the prescribed fee for special occasion permits under section 614-A of "The Administrative Code of 1929."

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Section 8. Sections 408.5(b) and (d), 408.6(d), (e) and (f), 408.7(d), (e) and (f) and 408.8(d), (e) and (f) of the act are amended to read:

Section 408.5. Licenses for City-owned Art Museums, Cities First Class; Art Museums Maintained by Certain Non-profit Corporations in Cities of the Second Class; and Non-profit Science and Technology Museums in Cities of the First Class and in Cities of the Second Class.--* * *

(b) The application for a license may be filed [at any time] by the city, the non-profit corporation or lessee. The application may also be filed by a concessionaire selected and certified by the city or the non-profit corporation. The application shall conform with all requirements for restaurant liquor licenses and applications except as may otherwise be provided herein. Applicant shall submit such other information as the board may require. The application shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. A filing fee [of twenty dollars (\$20)] **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,"** shall accompany the license application.

* * *

(d) The license shall be issued for the same period of time as provided for restaurant licensees and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination of the lease or upon termination of the contract between the concessionaire and the city or the non-profit corporation[.] **and shall not be validated if the annual fee is not timely paid.**

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Section 408.6. Performing Arts Facilities in Third Class Cities and Townships of the Second Class Located in Fourth Class Counties.--* * *

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination and nonrenewal of the contract between the concessionaire and such nonprofit corporation[.] **and shall not be validated if the annual fee is not timely paid.**

(e) The annual fee for a performing arts facility shall be as provided in section [405 and shall accompany the application for the license.] **614-A of the act of April 9, 1929 (P.L.177, No.175) , known as "The Administrative Code of 1929."** Whenever and if a concessionaire's contract terminates and is not renewed the license shall be returned to the board for cancellation but the board may issue a restaurant liquor license to a subsequent applicant.

(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000)[.] **for each year of a licensing period.**

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Section 408.7. Performing Arts Facilities in First and Second Class Cities.--* * *

(d) The license shall be transferred for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination and nonrenewal of the contract between the concessionaire and such person[.] **and shall not be validated if the annual fee is not timely paid.**

(e) The annual fee for a performing arts facility shall be as provided in section [405 and shall accompany the application for the license.] **614-A of the act of April 9, 1929 (P.L.177, No.175) , known as "The Administrative Code of 1929."** Whenever and if a concessionaire's contract terminates and is not renewed the license shall be returned to the board for cancellation and the board may transfer a restaurant liquor license purchased by a subsequent applicant.

(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000)[.] **for each year of a licensing period.**

* * *

Section 408.8. Trade Shows and Convention Licenses; Cities of the Third Class.--* * *

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination and nonrenewal of the contract between the concessionaire and such nonprofit corporation[.] **and shall not be validated if the annual fee is not timely paid.**

(e) The annual fee for a trade show or convention facility shall be as provided in section [405 and shall accompany the application for the license.] **614-A of the act of April 9, 1929 (P.L.177, No.175) , known as "The Administrative Code of 1929."** Whenever and if a concessionaire's contract terminates and is not renewed, the license shall be returned to the board for cancellation but the board may issue a restaurant liquor license to a subsequent application.

(f) The penal sum of the bond which shall be filed by an applicant for a trade show or convention facility pursuant to section 465 shall be two thousand dollars (\$2,000) [.] **for each year of a licensing period.**

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Section 9. Section 408.10(d) and (f) of the act, added June 30, 1992 (P.L.327, No.66), are amended to read:

Section 408.10. Recreation Facilities.--* * *

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination of the contract between the concessionaire and the city, county or authority[.] **and shall not be validated if the annual fee is not timely paid.**

* * *

(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000) **for each year of a licensing period**, and in addition thereto the applicant shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).

* * *

Section 10. The act is amended by adding a section to read:

Section 408.11. Seasonal Outdoor Cafe.--(a) The board is authorized to issue one restricted restaurant license in a city of the first class for the retail sale of liquor and malt or brewed beverages by the glass, open bottle or other container or in any mixture for consumption in a seasonal, temporary outdoor cafe located on premises owned by a city of the first class.

(b) The application for a license under this section may be filed at any time by a concessionaire selected and certified by the city of the first class and shall conform with all requirements for restaurant liquor licenses and applications, except as may otherwise be provided herein. The applicant shall submit such other information as the board may require. An application shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The filing fee shall be as prescribed by law for restaurant licenses.

(c) Upon receipt of the application in proper form and the application fee and upon being satisfied that the applicant is of good repute and financially responsible, the board shall issue a license to the applicant.

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination of the contract between the concessionaire and the city of the first class.

(e) The characteristics of a restaurant set forth in section 102 shall not apply to the seasonal, temporary outdoor cafe licensed under this section. The seasonal, temporary outdoor cafe shall be an open-air facility with tables and chairs

sufficient to seat at least thirty persons. The seasonal, temporary outdoor cafe will consist of a temporary structure measuring not less than fourteen feet by ten feet by ten feet with a twenty feet by twenty feet tent adjacent to or connected to this structure over a twenty-four feet by twenty-four feet deck and located on property owned by a city of the first class.

(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000).

(g) Sales by the holder of a license issued under this section may be made, except to those persons prohibited under clause (1) of section 493, on premises owned by the city of the first class and available for use during the hours in which the seasonal, temporary cafe is operated and up to one hour after the scheduled closing and at functions which are incidental to the seasonal, temporary cafe, but such sales may not be made beyond the hours expressed in this act for the sale of liquor by restaurant licensees, provided, however, that such sales may be made on Sunday between the hours of twelve o'clock noon and eight o'clock postmeridian.

(h) Whenever a contract is terminated prior to the expiration date provided in the contract between the city of the first class and the concessionaire, the city of the first class may select and certify to the board a different concessionaire and the board shall transfer that license to the new concessionaire. A license issued under this section shall not be transferred to any other location. If the license issued under this section is revoked, the board shall issue a new license to a qualified applicant without regard to the prohibition in section 471 against the grant of a license at the same premises for a period of at least one year.

Section 11. Sections 409(b), 410(b) and (c), 431(a) and 432(d) and (f) of the act are amended to read:

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

(b) Every applicant for a sacramental wine license shall 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 [of twenty dollars (\$20),] **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,"** a license fee of one hundred dollars, and a bond as hereinafter prescribed. 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.

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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[, which shall be accompanied by a filing fee of twenty dollars (\$20), a license fee of one hundred dollars, and]. **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."** **The applicant shall file a bond as hereinafter required.** 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 board a separate application for each warehouse in such form and containing such information as the board may from time to time require[, accompanied by a filing fee of twenty dollars (\$20), a license fee of twenty-five dollars, and a bond of an approved surety company in the amount of ten thousand dollars]. **The filing and license fees shall be as prescribed in section 614-A of "The Administrative Code of 1929." The applicant shall file a bond of an approved surety company in the amount of ten thousand dollars for each year of a licensing period.** Such bond shall contain the same provisions and conditions as are required in the other license bonds under this article.

* * *

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.--(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage, only in original containers, in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for [the calendar year.] **a license period to be determined by the board.** Every manufacturer shall keep at his or its principal place of business, within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members

of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof. **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 or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.**

* * *

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

(d) The board shall, in its discretion, grant or refuse any new license or the transfer of any license to a new location if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board. The board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted[. The board shall not issue new licenses, except as herein otherwise provided, in any license district more than twice each license year effective from specific dates fixed by the board, and new licenses shall not be granted unless the application therefor shall have been filed at least thirty days before the effective date of the license. Nothing herein contained shall prohibit the board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such district, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made, or within the thirty days immediately preceding such term]: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. **Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.**

* * *

(f) Hotel, eating places, or municipal golf course retail dispenser licensees whose sales of food and nonalcoholic beverages are equal to forty per centum (40%) or more of the

combined gross sales of both food and malt or brewed beverages may sell malt or brewed beverages between the hours of eleven o'clock antemeridian on Sunday and two o'clock antemeridian on Monday upon purchase of a special [annual] permit from the board at [a fee of two hundred dollars (\$200.00) per year,] **an annual 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,"** which shall be in addition to any other license fees. Provided further, the holder of such special [annual] permit may sell malt or brewed beverages after seven o'clock antemeridian and until two o'clock antemeridian of the following day, on any day on which a general, municipal, special or primary election is being held.

Section 12. Section 433.1(b) and (d) of the act, amended May 4, 1989 (P.L.19, No.5), are amended to read:

Section 433.1. Stadium or Arena Permits.--* * *

(b) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. An applicant under subsection (a) (2) for a permit for a stadium or arena owned by the city in a city of the third class which shall have a seating capacity of at least four thousand but less than six thousand five hundred shall designate one or more areas of the licensed premises comprising not less than fifteen percent (15%) of its seating capacity in which the sale of malt and brewed beverages shall not be authorized. The applicant shall submit such other information as the board may require. Applications shall be, in writing on forms prescribed by the board, and signed and sworn to by the applicant. [Every application shall be accompanied by an application fee of twenty-five dollars (\$25), a permit fee of one hundred dollars (\$100) and a surety bond in the amount of one thousand dollars (\$1000)] **The application and permit 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."** A surety bond in the amount of one thousand dollars (\$1000) shall be filed for each year of a **licensing period** conditioned the same as the license bonds required by this act for retail dispenser licenses.

* * *

(d) No permit shall be transferable or assignable. The board may by regulation fix the permit [year] **period** and provide for the renewal of such permits. Whenever a permit is revoked, another may be issued for the same premises to another applicant upon compliance with the provisions of this section.

* * *

Section 13. Sections 434, 435, 436(b) and 439 of the act are amended to read:

Section 434. License [Year] **Period**.--(a) Licenses issued under this article to distributors, importing distributors and retail dispensers shall, unless revoked in the manner provided in this act, be valid for the license [year] **period** which may

be established by the board for [the] **each** particular license [district in which the license issues].

(b) Malt or brewed beverage licenses issued under this article to manufacturers and public service companies shall, unless revoked in the manner herein provided, be valid for the [calendar year] **license period** for which they are issued. [Licenses to such manufacturers and public service companies may be issued at any time during a calendar year.]

(c) **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 or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.**

Section 435. Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee.--Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license, as aforesaid, in any municipality of this Commonwealth, shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board [for the particular license district as set up by the board under the provisions of this act]. The applicant shall[, at the time of filing the application and bond, pay said board the filing fee of twenty dollars (\$20), as hereinafter specified.] **file with the board fees 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." The applicant shall file a bond as herein required.**

Section 436. Application for Distributors', Importing Distributors' and Retail Dispensers' Licenses.--Application for distributors', importing distributors' and retail dispensers' licenses, or for the transfer of an existing license to another premises not then licensed, shall contain or have attached thereto the following information and statements:

* * *

(b) The particular place for which the license is desired and a detailed description thereof. The description, information and plans referred to in this subsection shall show the premises or the proposed location for the construction of the premises at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license, or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, eating place or club, nor shall any new building for any such purpose be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval. The licensee shall not transact any business under

the license until the board has approved the completed physical alterations, improvements and changes of the licensed premises or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license and is satisfied that the premises meet the requirements for a distributor's or importing distributor's license as set forth in this act or that the establishment is an eating place, hotel or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event the license may be transferred by the board as provided in [section 468 of] this act [for the transfer of the license in the case of death of the licensee].

* * *

Section 439. Malt or Brewed Beverage License Fees.--No public service license and no license to any manufacturer, distributor, importing distributor or retail dispenser shall be issued, **renewed or validated** under the provisions of this subdivision (B) until the licensee shall have first paid an annual license fee, as [follows:

(a) In the case of a manufacturer, the license fee shall be one thousand dollars (\$1,000) for each place of manufacture and shall be paid to the board. The fee for all such licenses when applied for and issued on or after April 1, but prior to July 1, shall be three-fourths of the annual fee; July 1, but prior to October 1, shall be one-half of the annual fee; October 1, but prior to January 1, shall be one quarter of the annual fee.

(b) In the case of a distributor, the license fee shall be four hundred dollars (\$400) and shall be paid to the board.

(c) In the case of an importing distributor, the license fee shall be nine hundred dollars (\$900) and shall be paid to the board.

(d) In the case of a retail dispenser, except clubs, the license fee shall be graduated according to the population of the municipality in which the place of business is located and shall be paid to the board, as follows:

- (1) Less than 10,000.....\$100
- (2) 10,000 and more, but less than 50,000.....\$150
- (3) 50,000 and more, but less than 100,000.....\$200
- (4) 100,000 and more, but less than 150,000.....\$250
- (5) 150,000 and more.....\$300

(e) In the case of a club, the fee shall be twenty-five dollars in all cases and shall be paid to the board.

(f) In the case of a public service license for cars, the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold, to be paid to the board.

(g) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel, the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board.

(h) The fee for filing applications for licenses and for renewals shall be twenty dollars (\$20) which, together with fees for transfers, shall be paid to the board.

(i) The license fees fixed by this section shall be paid before the license or renewal is issued.] **prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175) , known as "The Administrative Code of 1929."** 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 or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.

Section 14. Section 461(a) of the act, amended December 7, 1990 (P.L.622, No.160), is amended and the section is amended by adding subsections to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.--(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each three thousand inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses, hotels, privately-owned public golf courses **and units of nonprofit nationally chartered clubs**, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses and except in that part of a split municipality where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, municipal golf courses, airport restaurants, privately-owned public golf courses [and], privately-owned private golf course licensees **and units of nonprofit nationally chartered clubs**, as defined in this section, shall be granted so long as said limitation is exceeded.

* * *

(g) "Nonprofit nationally chartered club" as used in this section shall mean any club which does not contemplate pecuniary gain or profit, incidental or otherwise, having a national charter.

(h) "Unit of a nonprofit nationally chartered club" as used in this section shall mean any post, branch, lodge or other subordinate unit of a nonprofit nationally chartered club.

Section 15. Sections 465(d), 469 and 470(a) of the act are amended to read:

Section 465. All Licensees to Furnish Bond.--* * *

(d) The penal sum **for each year of a licensing period** of the respective bonds filed under the provisions of this section shall be as follows:

(1) Manufacturers of malt or brewed beverages, ten thousand dollars (\$10,000.00) for each place at which the licensee is authorized to manufacture.

(2) Liquor importers, ten thousand dollars (\$10,000.00) for each license.

(3) Sacramental wine licensees, ten thousand dollars (\$10,000.00).

(4) Importing distributors of malt or brewed beverages, two thousand dollars (\$2,000.00).

(5) Hotel, restaurant, club and public service liquor licensees, two thousand dollars (\$2,000.00), but in the case of a railroad or pullman company, such penal sum shall cover every dining, club or buffet car of such company operated under such license.

(6) Distributors of malt or brewed beverages, one thousand dollars (\$1,000.00).

(7) Retail dispensers and public service malt or brewed beverage licensees, one thousand dollars (\$1,000.00) for each place at which the licensee is authorized to sell malt or brewed beverages, except that in the case of railroad or pullman companies, said penal sum shall be one thousand dollars (\$1,000.00), irrespective of the number of licensed cars operated by the company.

* * *

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 [of thirty dollars (\$30) if the license to be transferred is a liquor license, and twenty dollars (\$20) if the license is a malt or brewed beverage license. Such application shall be in such form and shall be filed at such times as the board shall in its regulations prescribe.] **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."** Each such applicant shall also file an approved bond **for each year of a licensing period** as required on original applications for such licenses.

(b) Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the [balance of the then current license year, except the filing fee as herein provided.] **portion of the license period for which the license fee has been paid by the transferor, except for transfer fees provided in section 614-A of "The Administrative Code of 1929."**

Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.--(a) All applications for renewal of licenses under the provisions of this article shall be filed with a new bond, **tax clearance from the Department of Revenue and the Department of Labor and Industry** and requisite license and filing fees at least sixty days before the expiration date of same: Provided, however, That the board, in its discretion, may accept a renewal application filed less than sixty days before the expiration date of the license with the required bond and fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing: And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after

such expiration date, but before the board has received a renewal application within the time prescribed herein the board, in its discretion, may, after hearing, accept a renewal application filed within ten months after the expiration date of the license with the required bond and fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the board and if an appeal is taken from the board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. A renewal application will not be considered filed unless accompanied by a new bond and the requisite filing and license fees and any additional filing fee required by this section. Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based upon violation by the licensee or his servants, agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the board, the license of a licensee shall be renewed.

* * *

Section 16. The act is amended by adding a section to read:

Section 472.5. Privately Owned Golf Courses Located in More than One County.--(a) The board may issue to a nonprofit corporation a club liquor license or club catering license if all of the following apply:

(1) The nonprofit corporation is incorporated in this Commonwealth.

(2) The nonprofit corporation operates a privately owned private golf course:

(i) having contiguous land situate in two or more municipalities;

(ii) in which one or more of the municipalities, but less than all, the granting of a liquor license has not been prohibited; and

(iii) in which at least one acre of the contiguous land is situate in more than one county and one or more municipalities.

(3) The board finds that the license will not be detrimental to any residential neighborhood.

(b) Subsection (a) shall not be construed to prohibit the issuance of club liquor licenses or club catering licenses which may otherwise be issued under the provisions of this act.

Section 17. Section 477 of the act is amended by adding a subsection to read:

Section 477. Applicants to Provide State Tax Identification Numbers and Statement of State Tax Status; Waiver of Confidentiality of Information in the Possession of the Department of Revenue and Other Departments; Review of State Tax Status.--* * *

(f) Upon the required submission of the annual licensing fee or upon renewal, issuance or transfer of any license, if the Department of Revenue or the Department of Labor and Industry notifies the board of noncompliance with the aforementioned provisions, the board shall not renew, issue,

transfer or validate the license. Any appeal filed therefrom shall not act as a supersedeas.

Section 18. Sections 492(8), 493(10), (19) and (20)(i), 494, 505.2, 506(e), 508, 517, 704, 707 and 709 of the act are amended to read:

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

It shall be unlawful--

* * *

(8) Transportation of Malt or Brewed Beverages. For any person, to transport malt or brewed beverages except in the original containers, or to transport malt or brewed beverages for another who is engaged in selling either liquor or malt or brewed beverages, unless such person shall hold (a) a license to transport for hire, alcohol, liquor and malt or brewed beverages, as hereinafter provided in this act, or (b) shall hold a permit issued by the board and shall have paid to the board such permit fee, [not exceeding one hundred dollars (\$100),] **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,"** and shall have filed with the board a bond in the penal sum of not more than two thousand dollars (\$2000) **for each year of a licensing period,** as may be fixed by the rules and regulations of the board, any other law to the contrary notwithstanding.

* * *

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

It shall be unlawful--

* * *

(10) Entertainment on Licensed Premises (Except Clubs); Permits; Fees. For any licensee, his servants, agents or employes, except club licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty-four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The board shall have power to provide for the issue of such special permits, and to collect [a fee for such permits equal to one-fifth of the annual license fee but not less than twenty-five dollars (\$25).] **an annual fee for such permits 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."** 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.

* * *

(19) Licensee's Outside Advertisements. For any retail liquor licensee or any retail dispenser, distributor or

importing distributor, to display in any manner whatsoever on the outside of his licensed premises, or on any lot of ground on which the licensed premises are situate, or on any building of which the licensed premises are a part, a sign of any kind, printed, painted or electric, advertising any brand of liquor or malt or brewed beverage, and it shall be likewise unlawful for any manufacturer, distributor or importing distributor, to permit the display of any sign which advertises [either] his products [or himself] on any lot of ground on which such licensed premises are situate, or on any building of which such licensed premises are a part[.], **but nothing shall prohibit the use of the trade name of that manufacturer, distributor or importing distributor.**

(20) (i) Retail Liquor and Retail Malt or Brewed Beverages Licensee's Inside Advertisements. For any retail liquor or retail malt or brewed beverages licensee, to display or permit the display in the show window or doorways of his licensed premises, any placard or sign advertising the brands of liquor or malt or brewed beverages [produced by any one manufacturer], if the total display area of any such placard or sign advertising the **product or** products [of any one manufacturer] exceeds three hundred square inches. Nothing herein shall prohibit a licensee from displaying inside his licensed premises point of sale displays advertising brand names of products sold by him, other than a window or door display: Provided, That the total cost of all such point of sale advertising matter relating to any one brand [of any one manufacturer] shall not exceed the sum of seventy dollars (\$70) at any one time, and no single piece of advertising shall exceed a cost of thirty-five dollars (\$35). All such advertising material, including the window and door signs, may be furnished by a manufacturer, distributor or importing distributor. The restrictions on advertising set forth in subclause (ii) and in clauses (20.1) and (20.2) shall also apply to this subclause.

* * *

Section 494. Penalties.--(a) Any person who shall violate any of the provisions of this article, except as otherwise specifically provided, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), and on failure to pay such fine, to imprisonment for not less than one month, nor more than three months, and for any subsequent offense, shall be sentenced to pay a fine not less than three hundred dollars (\$300), nor more than five hundred dollars (\$500), and to undergo imprisonment for a period not less than three months, nor more than one year, or both. If the person, at or relating to the licensed premises, violates section 493(1), (10), (14), (16) or (21), or if the owner or operator of the licensed premises or any authorized agent of the owner or operator violates the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or 6301 (relating to corruption of minors), he shall be sentenced to pay a fine not exceeding five thousand dollars (\$5,000) or to undergo imprisonment for a period not less than three months, nor more than one year, or both.

(b) The right to suspend and revoke licenses granted under this article shall be in addition to the penalty set forth in this section.

(c) **A person convicted of selling or offering to sell any liquor or malt or brewed beverage without being licensed is in**

violation of this article and shall, in addition to any other penalty prescribed by law, be sentenced to pay a fine of twenty-five dollars (\$25) for each bottle of beer and one hundred dollars (\$100) for each bottle of wine or liquor found on the premises where the sale was made or attempted. In addition, all beer, wine and liquor found on the premises shall be confiscated. If a person fails to pay the full amount of the fine levied under this subsection, the premises on which the beer, wine or liquor was found shall be subject to a lien in the amount of the unpaid fine if the premises are owned by the person against whom the fine was levied or by any other person who had knowledge of the proscribed activity. The lien shall be superior to any other liens on the premises other than a duly recorded mortgage.

Section 505.2. Limited Wineries.--[Holders] **In the interest of promoting tourism and recreational development in Pennsylvania, holders** of a limited winery license may:

(1) Produce wines and wine coolers only from fruits grown in Pennsylvania in an amount not to exceed two hundred thousand (200,000) gallons per year.

(2) Sell wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase wine produced by other limited wineries in an amount in excess of fifty per centum of the wine produced by the purchasing limited winery in the preceding calendar year.

(3) Separately or in conjunction with other limited wineries, sell wine and wine coolers produced by the limited winery on no more than five board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the board, to individuals and to hotel, restaurant, club and public service liquor licensees.

(4) At the discretion of the board, obtain a special wine permit to participate in wine and food expositions off the licensed premises. A special wine permit shall be issued upon proper application and payment of a fee of thirty dollars (\$30) per day for each day of permitted use, not to exceed five (5) consecutive days. A limited winery may not obtain more than five special wine permits in any calendar year. The total number of days for all the permits may not exceed ten (10) days in any calendar year. A special wine permit shall entitle the holder to engage in the sale of wine produced by the bottle or in case lots by the permittee under the authority of a limited winery license. Holders of special wine permits may provide tasting samples of wines in individual portions not to exceed one fluid ounce. Samples at wine and food expositions may be sold or offered free of charge. Except as provided herein, limited wineries utilizing special wine permits shall be governed by all applicable provisions of this act as well as by all applicable regulations or conditions adopted by the board.

For the purposes of this clause, "wine and food expositions" are defined as affairs held indoors or outdoors with the primary intent of educating those in attendance of the availability, nature and quality of Pennsylvania-produced wines in conjunction with suitable food displays, demonstrations and sales. Wine and food expositions may also include activities other than wine

and food displays, including arts and crafts, musical activities, cultural exhibits, agricultural exhibits and similar activities.

Section 506. Bonds Required.--* * *

(e) The penal sum of bonds required to be filed by applicants for license shall be as follows:

In the case of a distillery (manufacturer), the bond shall be in the amount of ten thousand dollars (\$10,000) **for each year of a licensing period**; in the case of a bonded warehouse, a bailee for hire and a transporter for hire, each shall be in the amount of three thousand dollars (\$3000) **for each year of a licensing period**; and in the case of a winery, shall be in the amount of five thousand dollars (\$5000) **for each year of a licensing period**. Such bonds shall be filed with and retained by the board.

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Section 508. License Fees.--(a) The annual fee for every license issued to a limited winery or a winery shall be [two hundred and fifty dollars (\$250)]. The annual fee for every license issued to a distillery (manufacturer) shall be twenty-five hundred dollars (\$2500) per annum if the annual production is five hundred thousand (500,000) proof gallons or less, and an additional fee of one hundred dollars (\$100) for each one hundred thousand (100,000) proof gallons or fraction thereof in excess of five hundred thousand (500,000) proof gallons, but for the purpose of determining the amount of the fee payable by a distillery, the annual production of alcohol that is denatured by the manufacturer thereof during the license year in Pennsylvania and not elsewhere shall be excluded, but alcohol or liquor used by the manufacturer thereof during the license year in rectification or blending shall not be excluded, except that no fee for a distillery shall be less than twenty-five hundred dollars (\$2500) per annum. The annual fee for all other licenses shall be one hundred dollars (\$100). The fee for any license when applied for and issued on or after April first, but prior to July first, shall be three-fourths of the annual fee; July first, but prior to October first, shall be one-half of the annual fee; October first, but prior to January first, one-fourth of the annual 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."** The fee for every license issued to a distillery (manufacturer) shall be as prescribed in section 614-A of "The Administrative Code of 1929." The annual fee for all other licenses shall be as prescribed in section 614-A of "The Administrative Code of 1929." 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.

(b) For the purpose of this section, the term "proof gallon" shall mean a gallon liquid which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

Section 517. Expiration of Licenses; Renewals.--All licenses issued under this article shall expire at the close of the

[calendar year] **license period**, but new licenses for the succeeding [year] **license period** shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original application are unchanged, and upon payment of the fee as hereinafter provided and the furnishing of a new bond, without the filing of further statements or the furnishing of any further information unless specifically requested by the board: Provided, however, That any such license issued to a corporation shall expire thirty (30) days after any change in the officers of such corporation, unless the name and address of each such new officer of such corporation shall, within that period, be reported to the board by certificate, duly verified. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the [first day of January of the ensuing year.] **expiration of the license period**. All applications for renewal received otherwise shall be treated as original applications.

Section 704. Application for Permit; Filing Fee.--Every applicant for a distillery certificate broker permit shall file a written application with the board outlining his plan of business in dealing in distillery bonded warehouse certificates, in such form and containing such other information as the board shall from time to time prescribe, which shall be accompanied by a filing fee [of twenty dollars (\$20)] **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,"** and the prescribed permit fee. If the applicant is a natural person, his application must show that he is a citizen of the United States, and if a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania. The application shall be signed and verified by oath or affirmation of the applicant, if a natural person, or in the case of an association, by a member or partner thereof, or in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of all the officers thereof. All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application, the signer shall be guilty of a misdemeanor and upon indictment and conviction, shall be subject to penalties provided by this article.

Section 707. Permit Fee; Permits Not Assignable or Transferable; Display of Permit; Term of Permit.--Every applicant for distillery certificate broker permit shall, before receiving such permit, pay to the board an annual permit fee [of one hundred dollars (\$100).] **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."** 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 [year] **period** for which issued and shall automatically expire on the [thirty-first day of December] **last day of the license period** of each calendar year unless suspended, revoked or cancelled prior thereto.

Section 709. Renewal of Permits.--Upon the filing of an application and the payment of the prescribed filing fee and permit fee in the same amount as herein required on original

applications for permits, the board may renew the permit for the [calendar year beginning January first, provided such application for renewal is filed and fee paid on or before December fifteenth of the preceding year,] **license period as designated by the board, provided that such application for renewal is filed and fee paid on or before fifteen days prior to the expiration of the preceding licensing period,** unless the board shall have given previous notice of objections to the renewal of the permit, based upon violation of this article or the board's regulations promulgated thereunder, or unless the applicant has by his own act become a person of ill repute or ceases to be financially responsible.

Section 19. Section 802 of the act is amended by adding a subsection to read:

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

(f) Any moneys in the State Stores Fund, from time to time, which may not be required for any of the purposes specified in this act or in the act of December 20, 1933 (Sp.Sess., P.L.89, No.15), entitled "An act appropriating the moneys in The State Stores Fund," shall be paid over into the General Fund and shall be available for the payment of appropriations made from the General Fund. The Pennsylvania Liquor Control Board, with the approval of the Governor, shall, from time to time, fix the amount of money which may be so paid over into the General Fund and by its requisition shall direct the Department of the Auditor General and the Treasury Department to transfer such moneys from the State Stores Fund to the General Fund. The Pennsylvania Liquor Control Board shall, immediately upon voting to pay over any moneys from the State Stores Fund to the General Fund, notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of such transfer of moneys.

Section 20. This act shall take effect in 60 days.

APPROVED--The 29th day of April, A. D. 1994.

ROBERT P. CASEY