

AMENDMENTS TO HOUSE BILL NO. 1547

Sponsor: SENATOR WILLIAMS

Printer's No. 2160

1 Amend Bill, page 1, lines 16 through 28, by striking out "in"
2 in line 16 and all of lines 17 through 28 and inserting
3 in licenses and regulations and liquor, alcohol and malt and
4 brewed beverages, providing for suspension for inspection
5 deficiencies.

6 Amend Bill, pages 2 through 17, lines 1 through 30; page 18,
7 lines 1 through 29; by striking out all of said lines on said
8 pages and inserting

9 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
10 as the Liquor Code, is amended by adding a section to read:

11 Section 470.4. Suspension for Inspection Deficiencies.--(a)
12 If the board finds, through an inspection by one of the board's
13 employees, that a licensee does not meet a requirement under the
14 act or the board's regulations that renders the licensee
15 ineligible for the license, including instances when the
16 licensee no longer meets the seating, square footage, food,
17 health license or room requirements for the license, the board
18 may immediately impose an administrative suspension of the
19 operating privileges of the licensee and shall give written
20 notice to the licensee as to the exact deficiency observed. The
21 operating privileges shall remain suspended until the licensee
22 can establish to the board's satisfaction that the licensee is
23 again eligible for the license. If an employe of the
24 Pennsylvania State Police, Bureau of Liquor Control Enforcement,
25 Philadelphia County Department of Public Health, City of
26 Philadelphia Department of Licenses and Inspections or other
27 similar government employe finds that a licensee does not meet
28 the requirements of either the Liquor Code or the board's
29 regulations, as provided under this section, the employe may
30 inform the board of the deficiency so that the board may proceed
31 in accordance with this section.

32 (b) Section 464 and 42 Pa.C.S. § 933(a)(1)(v) (relating to
33 appeals from government agencies) shall not apply to suspensions
34 imposed under this section. If the board refuses to reinstate a
35 suspended licensee's operating privileges, the suspended

1 licensee may request a hearing before the Commonwealth Court
2 under 42 Pa.C.S. § 761(a)(4) (relating to original jurisdiction)
3 solely on the issue of whether the suspended licensee is
4 eligible for reinstatement of operating privileges. The
5 Commonwealth Court shall hold a hearing within ten days of the
6 filing of the request for a hearing under this subsection and
7 may not lift a suspension imposed by the board until after the
8 hearing.

9 (c) An administrative suspension under this section shall be
10 in addition to any other penalties provided by law.

11 (d) Other violations of the law or questions as to the
12 continued fitness of a licensee that are currently addressed
13 through the citation process under section 471 or the board's
14 nonrenewal process under section 470(a.1) shall continue to be
15 addressed in that manner and not through the administrative
16 suspension process under this section.

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