

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1158 Session of
2017

INTRODUCED BY CEPHAS, KINSEY, BULLOCK, HILL-EVANS, McCLINTON,
SOLOMON AND FITZGERALD, APRIL 12, 2017

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 12, 2017

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws," in
17 licenses and regulations and liquor, alcohol and malt and
18 brewed beverages, further providing for issuance, transfer or
19 extension of hotel, restaurant and club liquor licenses.

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

22 Section 1. Section 404(a) of the act of April 12, 1951
23 (P.L.90, No.21), known as the Liquor Code, amended June 8, 2016
24 (P.L.273, No.39), is amended and the section is amended by
25 adding a subsection to read:

26 Section 404. Issuance, Transfer or Extension of Hotel,

1 Restaurant and Club Liquor Licenses.--(a) Upon receipt of the
2 application and the proper fees, and upon being satisfied of the
3 truth of the statements in the application that the applicant
4 and management company or companies, if any, are the only
5 persons in any manner pecuniarily interested in the business so
6 asked to be licensed and that no other person will be in any
7 manner pecuniarily interested therein during the continuance of
8 the license, except as hereinafter permitted, and that the
9 applicant is a person of good repute, that the premises applied
10 for meet all the requirements of this act and the regulations of
11 the board, that the applicant seeks a license for a hotel,
12 restaurant or club, as defined in this act, and that the
13 issuance of such license is not prohibited by any of the
14 provisions of this act, the board shall, in the case of a hotel
15 or restaurant, grant and issue to the applicant a liquor
16 license, and in the case of a club may, in its discretion, issue
17 or refuse a license: Provided, however, That in the case of any
18 new license or the transfer of any license to a new location or
19 the extension of an existing license to cover an additional area
20 the board may, in its discretion, grant or refuse such new
21 license, transfer or extension if such place proposed to be
22 licensed is within three hundred feet of any church, hospital,
23 charitable institution, [school,] or public playground, or if
24 such new license, transfer or extension is applied for a place
25 which is within two hundred feet of any other premises which is
26 licensed by the board: And provided further, That the board's
27 authority to refuse to grant a license because of its proximity
28 to a church, hospital, charitable institution, public playground
29 or other licensed premises shall not be applicable to license
30 applications submitted for public venues or performing arts

1 facilities: And provided further, That the board shall refuse
2 any application for a new license, the transfer of any license
3 to a new location or the extension of an existing license to
4 cover an additional area if such new license, transfer or
5 extension is applied for a place which is within three hundred
6 feet of a school or child day-care center: And provided further,
7 That the board shall refuse any application for a new license,
8 the transfer of any license to a new location or the extension
9 of an existing license to cover an additional area if, in the
10 board's opinion, such new license, transfer or extension would
11 be detrimental to the welfare, health, peace and morals of the
12 inhabitants of the neighborhood within a radius of five hundred
13 feet of the place proposed to be licensed: And provided further,
14 That the board shall have the discretion to refuse a license to
15 any person or to any corporation, partnership or association if
16 such person, or any officer or director of such corporation, or
17 any member or partner of such partnership or association shall
18 have been convicted or found guilty of a felony within a period
19 of five years immediately preceding the date of application for
20 the said license. The board shall not license the area where
21 liquid fuels or oil is sold. No sales of liquid fuels or oil may
22 be made from a licensee's licensed premises. A licensed premises
23 may not have an interior connection with a location that sells
24 liquid fuels or oil unless it first receives permission from the
25 board for the interior connection. The approval shall be
26 required regardless of whether the licensee or another party is
27 the entity selling the liquid fuels or oil. The board may enter
28 into an agreement with the applicant concerning additional
29 restrictions on the license in question. If the board and the
30 applicant enter into such an agreement, such agreement shall be

1 binding on the applicant. Failure by the applicant to adhere to
2 the agreement will be sufficient cause to form the basis for a
3 citation under section 471 and for the nonrenewal of the license
4 under section 470. If the board enters into an agreement with an
5 applicant concerning additional restrictions, those restrictions
6 shall be binding on subsequent holders of the license until the
7 license is transferred to a new location or until the board
8 enters into a subsequent agreement removing those restrictions.
9 If the application in question involves a location previously
10 licensed by the board, then any restrictions imposed by the
11 board on the previous license at that location shall be binding
12 on the applicant unless the board enters into a new agreement
13 rescinding those restrictions. The board may, in its discretion,
14 refuse an application for an economic development license under
15 section 461(b.1) or an application for an intermunicipal
16 transfer of a license if the board receives a protest from the
17 governing body of the receiving municipality. The receiving
18 municipality of an intermunicipal transfer or an economic
19 development license under section 461(b.1) may file a protest
20 against the transfer of a license into its municipality, and the
21 receiving municipality shall have standing in a hearing to
22 present testimony in support of or against the issuance or
23 transfer of a license. Upon any opening in any quota, an
24 application for a new license shall only be filed with the board
25 for a period of six months following said opening.

26 * * *

27 (c) As used in this section, the term "child day-care
28 center" shall mean the premises in which care is provided at any
29 one time for seven or more children unrelated to the operator.

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