

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 456

Session of
1975

INTRODUCED BY CAPUTO, WARGO, SHUPNIK AND O'CONNELL,
FEBRUARY 18, 1975

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 18, 1975

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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,"
17 authorizing transfers outside a municipality when the use of
18 the licensee's building is prohibited because it is located
19 in a flood plain area.

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

22 Section 1. Subsection (a) of section 468, act of April 12,
23 1951 (P.L.90, No.21), known as the "Liquor Code," amended June
24 17, 1971 (P.L.166, No.13), is amended to read

25 Section 468. Licenses Not Assignable; Transfers.--(a)
26 Licenses issued under this article may not be assigned. The

1 board, upon payment of the transfer filing fee and the execution
2 of a new bond, is hereby authorized to transfer any license
3 issued by it under the provisions of this article from one
4 person to another or from one place to another, or both, within
5 the same municipality, as the board may determine. The board, in
6 its discretion, may transfer an existing restaurant retail
7 dispenser or club license from one municipality to another in
8 the same county regardless of the quota limitations provided for
9 in this act, if sales of liquor or malt and brewed beverages are
10 legal in such other municipality and if the restaurant retail
11 dispenser or club lost the use of the building in which it was
12 located due to governmental exercise of the right of eminent
13 domain or due to the prohibition of buildings in a flood plain
14 area and no other suitable building can be found in the first
15 municipality. In the case of distributor and importing
16 distributor licenses, the board may transfer any such license
17 from its place in a municipality to a place in any other
18 municipality within the same county, or from one place to
19 another place within the same municipality, or exchange a
20 distributor license for an importing distributor license or an
21 importing distributor license for a distributor license, if the
22 building for which the license is to be issued has, in the case
23 of an importing distributor license, an area under one roof of
24 two thousand five hundred square feet and, in the case of a
25 distributor license, an area under one roof of one thousand
26 square feet: And provided, That, in the case of all transfers of
27 distributor or importing distributor licenses, whether from a
28 place within the same municipality to another place within the
29 same municipality or from a place in a municipality to a place
30 in any other municipality within the same county, and, in the

1 case of an exchange of a distributor license for an importing
2 distributor license or an importing distributor license for a
3 distributor license, the premises to be affected by the transfer
4 or exchange shall contain an office separate and apart from the
5 remainder of the premises to be licensed for the purpose of
6 keeping records, required by the board, adequate toilet
7 facilities for employes of the licensee and an entrance on a
8 public thoroughfare: Provided, however, That in the event that
9 the majority of the voting electors of a municipality, at an
10 election held under the provisions of any law so empowering them
11 to do, shall vote against the issuance of distributor or
12 importing distributor licenses in such municipality, the board
13 is hereby authorized to transfer any such distributor or
14 importing distributor license from its place in such
15 municipality to a place in any other municipality within the
16 same county, upon application prior to the expiration of any
17 such license and upon payment of the transfer filing fee and the
18 execution of a new bond; but no transfer shall be made to a
19 person who would not have been eligible to receive the license
20 originally nor for the transaction of business at a place for
21 which the license could not lawfully have been issued
22 originally, nor, except as herein provided, to a place as to
23 which a license has been revoked. No license shall be
24 transferred to any place or property upon which is located as a
25 business the sale of liquid fuels and oil. Except in cases of
26 emergency such as death, serious illness, or circumstances
27 beyond the control of the licensee, as the board may determine
28 such circumstances to justify its action, transfers of licenses
29 may be made only at times fixed by the board. In the case of the
30 death of a licensee, the board may transfer the license to the

1 surviving spouse or personal representative or to a person
2 designated by him. From any refusal to grant a transfer or upon
3 the grant of any transfer, the party aggrieved shall have the
4 right of appeal to the proper court and therefrom to the
5 Superior Court, in the manner hereinbefore provided.

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