

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 233 Session of
1991

INTRODUCED BY SALOOM, KRUSZEWSKI, MICOZZIE, TIGUE, JAROLIN AND
KENNEY, FEBRUARY 4, 1991

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 4, 1991

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,"
17 requiring final administrative law judge adjudication of all
18 citations within 90 days of issuance.

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

21 Section 1. Section 212(c) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
23 June 29, 1987 (P.L.32, No.14), amended December 7, 1990 (P.L. ,
24 No.160), is amended to read:

25 Section 212. Office of Administrative Law Judge.--* * *

1 (c) Administrative law judges shall preside at all
2 licensing, citation and other enforcement hearings required or
3 permitted under this act. Beginning January 1, 1991, all
4 enforcement hearings and all adjudicatory proceedings on
5 citations, including a written decision of the administrative
6 law judge, shall be completed within ninety (90) days from the
7 date the citation is issued by the Bureau of Liquor Code
8 Enforcement. Failure to comply with the ninety (90) day
9 requirement shall result in a dismissal of the citation with
10 prejudice. An administrative law judge shall recuse himself in a
11 licensing proceeding if the licensee or prospective licensee can
12 demonstrate that the judge has heard an enforcement matter
13 concerning the licensee or prospective licensee. An
14 administrative law judge shall recuse himself in an enforcement
15 proceeding if the person subject to enforcement can demonstrate
16 that the judge has heard a licensing matter concerning the
17 person. Administrative law judges shall inform persons and their
18 counsel of recusal rights under this subsection.

19 * * *

20 Section 2. This act shall take effect immediately.