

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 296 Session of  
1997

INTRODUCED BY SCHWARTZ, WILLIAMS, FUMO, AFFLERBACH, HUGHES AND  
MELLOW, JANUARY 29, 1997

REFERRED TO LAW AND JUSTICE, JANUARY 29, 1997

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 the Pennsylvania Liquor Control Board to refuse  
18 licenses for discriminatory practices.

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

21 Section 1. Section 404 of the act of April 12, 1951 (P.L.90,  
22 No.21), known as the Liquor Code, reenacted and amended June 29,  
23 1987 (P.L.32, No.14) and amended April 29, 1994 (P.L.212, No.30)  
24 and October 5, 1994 (P.L.522, No.77), is amended to read:

25 Section 404. Issuance of Hotel, Restaurant and Club Liquor

1 Licenses.--Upon receipt of the application, the proper fees and  
2 bond, and upon being satisfied of the truth of the statements in  
3 the application that the applicant is the only person in any  
4 manner pecuniarily interested in the business so asked to be  
5 licensed and that no other person will be in any manner  
6 pecuniarily interested therein during the continuance of the  
7 license, except as hereinafter permitted, and that the applicant  
8 is a person of good repute, that the premises applied for meet  
9 all the requirements of this act and the regulations of the  
10 board, that the applicant seeks a license for a hotel,  
11 restaurant or club, as defined in this act, and that the  
12 issuance of such license is not prohibited by any of the  
13 provisions of this act, the board shall, in the case of a hotel  
14 or restaurant, grant and issue to the applicant a liquor  
15 license, and in the case of a club may, in its discretion, issue  
16 or refuse a license: Provided, however, That in the case of any  
17 new license or the transfer of any license to a new location the  
18 board may, in its discretion, grant or refuse such new license  
19 or transfer if such place proposed to be licensed is within  
20 three hundred feet of any church, hospital, charitable  
21 institution, school, or public playground, or if such new  
22 license or transfer is applied for a place which is within two  
23 hundred feet of any other premises which is licensed by the  
24 board: And provided further, That the board shall refuse any  
25 application for a new license or the transfer of any license to  
26 a new location if, in the board's opinion, such new license or  
27 transfer would be detrimental to the welfare, health, peace and  
28 morals of the inhabitants of the neighborhood within a radius of  
29 five hundred feet of the place proposed to be licensed: And  
30 provided further, That prior to July 1, [1996] 1997, in any

1 license district in a city of the first class, the board may, in  
2 its opinion, refuse any application for a new license or for any  
3 person-to-person transfer which shall include a change in  
4 stockholders involving ten per centum or more of all outstanding  
5 voting stock and/or less than ten per centum of all outstanding  
6 voting stock when such change involves a majority or controlling  
7 interest, of any license if the licensed premises is or would be  
8 within three hundred feet of any church, hospital, charitable  
9 institution, school or public playground, or within two hundred  
10 feet of any other premises licensed by the board and, if, in the  
11 opinion of the board, the licensed premises is or would be  
12 detrimental to the welfare, health, peace and morals of such  
13 church, hospital, school, public playground and/or the  
14 inhabitants of the neighborhood within a radius of five hundred  
15 feet of the licensed premises. This authority to refuse a  
16 person-to-person transfer in a city of the first class is in  
17 addition to and not in derogation of the authority of the board  
18 generally stated for all areas of this Commonwealth: And  
19 provided further, That the board shall have the discretion to  
20 refuse a license to any person or to any corporation,  
21 partnership or association if such person, or any officer or  
22 director of such corporation, or any member or partner of such  
23 partnership or association shall have been convicted or found  
24 guilty of a felony within a period of five years immediately  
25 preceding the date of application for the said license. The  
26 board shall refuse any application for a new license or the  
27 transfer of any license to a location where the sale of liquid  
28 fuels or oil is conducted. Upon any opening in any quota, an  
29 application for a new license shall only be filed with the board  
30 for a period of six months following said opening. The board

1 shall refuse a license to any person or to any corporation,  
2 partnership or association which has demonstrated a pattern of  
3 discrimination on the basis of race, color, religious creed,  
4 ancestry, handicap or disability, age, sex, national origin or  
5 use of a guide or support animal.

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