

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 606 Session of
2007

INTRODUCED BY WATERS, BLACKWELL, DALEY, KIRKLAND, MELIO,
MICOZZIE, PALLONE, PARKER, STABACK, YOUNGBLOOD AND
CALTAGIRONE, MARCH 6, 2007

SENATOR RAFFERTY, LAW AND JUSTICE, IN SENATE, AS AMENDED,
OCTOBER 15, 2007

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 further providing for COURT JURISDICTION ON APPEALS FROM
18 DECISION OF THE BOARD, FOR HEARINGS BEFORE THE BOARD AND
19 ADMINISTRATIVE LAW JUDGES, FOR REVOCATION OF LICENSES, FOR
20 INCREASED FINES, FOR RENEWAL OF LICENSES AND FOR responsible
21 alcohol management.

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22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 ~~Section 1. Section 471.1 of the act of April 12, 1951~~
25 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
26 ~~June 29, 1987 (P.L.32, No.14), is amended by adding a subsection~~

<—

1 ~~to read:~~

2 SECTION 1. SECTION 464 OF THE ACT OF APRIL 12, 1951 (P.L.90, <—
3 NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29,
4 1987 (P.L.32, NO.14) AND AMENDED DECEMBER 9, 2002 (P.L.1653,
5 NO.212), IS AMENDED TO READ:

6 SECTION 464. HEARINGS UPON REFUSAL OF LICENSES, RENEWALS OR
7 TRANSFERS; APPEALS.--THE BOARD MAY OF ITS OWN MOTION, AND SHALL
8 UPON THE WRITTEN REQUEST OF ANY APPLICANT FOR CLUB, HOTEL OR
9 RESTAURANT LIQUOR LICENSE, OR ANY APPLICANT FOR ANY MALT OR
10 BREWED BEVERAGE LICENSE OTHER THAN A PUBLIC SERVICE LICENSE, OR
11 FOR RENEWAL OR TRANSFER THEREOF, OR FOR THE RENEWAL OF AN
12 AMUSEMENT PERMIT, WHOSE APPLICATION FOR SUCH LICENSE, RENEWAL OR
13 TRANSFER, OR THE RENEWAL OF AN AMUSEMENT PERMIT, HAS BEEN
14 REFUSED, FIX A TIME AND PLACE FOR HEARING OF SUCH APPLICATION
15 FOR LICENSE OR FOR RENEWAL OR TRANSFER THEREOF, OR THE RENEWAL
16 OF AN AMUSEMENT PERMIT, NOTICE OF WHICH HEARING SHALL BE MAILED
17 TO THE APPLICANT AT THE ADDRESS GIVEN IN HIS APPLICATION. SUCH
18 HEARING SHALL BE BEFORE A HEARING EXAMINER DESIGNATED BY THE
19 BOARD. AT SUCH HEARING, THE BOARD SHALL PRESENT ITS REASONS FOR
20 ITS REFUSAL OR WITHHOLDING OF LICENSE, RENEWAL OR TRANSFER
21 THEREOF, OR ITS REFUSAL FOR RENEWAL OF AN AMUSEMENT PERMIT. THE
22 APPLICANT MAY APPEAR IN PERSON OR BY COUNSEL, MAY CROSS-EXAMINE
23 THE WITNESSES FOR THE BOARD AND MAY PRESENT EVIDENCE WHICH SHALL
24 LIKEWISE BE SUBJECT TO CROSS-EXAMINATION BY THE BOARD. SUCH
25 HEARING SHALL BE STENOGRAPHICALLY RECORDED. THE HEARING EXAMINER
26 SHALL THEREAFTER REPORT, WITH THE EXAMINER'S RECOMMENDATION, TO
27 THE BOARD IN EACH CASE. THE BOARD SHALL THEREUPON GRANT OR
28 REFUSE THE LICENSE, RENEWAL OR TRANSFER THEREOF OR THE RENEWAL
29 OF AN AMUSEMENT PERMIT. IN CONSIDERING THE RENEWAL OF A LICENSE
30 OR AMUSEMENT PERMIT, THE BOARD SHALL NOT REFUSE ANY SUCH RENEWAL

1 ON THE BASIS OF THE PROPRIETY OF THE ORIGINAL ISSUANCE OR ANY
2 PRIOR RENEWAL OF SUCH LICENSE OR AMUSEMENT PERMIT. IF THE BOARD
3 SHALL REFUSE SUCH LICENSE, RENEWAL OR TRANSFER OR THE RENEWAL OF
4 AN AMUSEMENT PERMIT, FOLLOWING SUCH HEARING, NOTICE IN WRITING
5 OF SUCH REFUSAL SHALL BE MAILED TO THE APPLICANT AT THE ADDRESS
6 GIVEN IN HIS APPLICATION. IN ALL SUCH CASES, THE BOARD SHALL
7 FILE OF RECORD AT LEAST A BRIEF STATEMENT IN THE FORM OF AN
8 OPINION OF THE REASONS FOR THE RULING OR ORDER AND FURNISH A
9 COPY THEREOF TO THE APPLICANT. ANY APPLICANT WHO HAS APPEARED AT
10 ANY HEARING, AS ABOVE PROVIDED, WHO IS AGGRIEVED BY THE REFUSAL
11 OF THE BOARD TO ISSUE ANY SUCH LICENSE OR TO RENEW OR TRANSFER
12 ANY SUCH LICENSE OR TO ISSUE OR RENEW ANY AMUSEMENT PERMIT MAY
13 APPEAL, OR ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL
14 OR PUBLIC PLAYGROUND LOCATED WITHIN THREE HUNDRED FEET OF THE
15 PREMISES APPLIED FOR, AGGRIEVED BY THE ACTION OF THE BOARD IN
16 GRANTING THE ISSUANCE OF ANY SUCH LICENSE OR THE TRANSFER OF ANY
17 SUCH LICENSE, MAY TAKE AN APPEAL LIMITED TO THE QUESTION OF SUCH
18 GRIEVANCE, WITHIN TWENTY DAYS FROM DATE OF REFUSAL OR GRANT, TO
19 THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PREMISES OR
20 PERMIT APPLIED FOR IS LOCATED. IF THE APPLICATION IS FOR AN
21 ECONOMIC DEVELOPMENT LICENSE UNDER SECTION 461(B.1) OR THE
22 INTERMUNICIPAL TRANSFER OF A LICENSE, THE GOVERNING BODY OF THE
23 MUNICIPALITY RECEIVING THE NEW LICENSE OR THE TRANSFERRED
24 LICENSE MAY FILE AN APPEAL OF THE BOARD DECISION GRANTING THE
25 LICENSE, WITHIN TWENTY DAYS OF THE DATE OF THE BOARD'S DECISION,
26 TO THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PROPOSED
27 PREMISES IS LOCATED. SUCH APPEAL SHALL BE UPON PETITION OF THE
28 AGGRIEVED PARTY, WHO SHALL SERVE A COPY THEREOF UPON THE BOARD,
29 WHEREUPON A HEARING SHALL BE HELD UPON THE PETITION BY THE COURT
30 UPON TEN DAYS' NOTICE TO THE BOARD. THE SAID APPEAL SHALL,

1 EXCEPT IN CASES INVOLVING THE RENEWAL OF A LICENSE, ACT AS A
2 SUPERSEDEAS UNLESS UPON SUFFICIENT CAUSE SHOWN THE COURT SHALL
3 DETERMINE OTHERWISE. THE COURT SHALL [HEAR THE APPLICATION DE
4 NOVO ON QUESTIONS OF FACT, ADMINISTRATIVE DISCRETION AND SUCH
5 OTHER MATTERS AS ARE INVOLVED, AT SUCH TIME AS IT SHALL FIX, OF
6 WHICH NOTICE SHALL BE GIVEN TO THE BOARD. THE COURT SHALL EITHER
7 SUSTAIN OR OVER-RULE THE ACTION OF THE BOARD AND EITHER ORDER OR
8 DENY THE ISSUANCE OF A NEW LICENSE OR THE RENEWAL OR TRANSFER OF
9 THE LICENSE OR THE RENEWAL OF AN AMUSEMENT PERMIT TO THE
10 APPLICANT.] AFFIRM THE BOARD UNLESS THE BOARD'S DECISION IS AN
11 ERROR OF LAW, AN ABUSE OF DISCRETION OR UNLESS THE BOARD'S
12 DECISION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

13 SECTION 2. SECTION 470(A) AND (B) OF THE ACT, AMENDED
14 DECEMBER 9, 2002 (P.L.1653, NO.212) AND DECEMBER 8, 2004
15 (P.L.1810, NO.239), ARE AMENDED AND THE SECTION IS AMENDED BY
16 ADDING SUBSECTIONS TO READ:

17 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
18 LICENSEES IN ARMED SERVICE.--(A) ALL APPLICATIONS FOR RENEWAL
19 OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE FILED
20 WITH TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE AND THE
21 DEPARTMENT OF LABOR AND INDUSTRY AND REQUISITE LICENSE AND
22 FILING FEES AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE OF
23 SAME: PROVIDED, HOWEVER, THAT THE BOARD, IN ITS DISCRETION, MAY
24 ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION FILED LESS THAN SIXTY
25 DAYS BEFORE THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED
26 FEES, UPON REASONABLE CAUSE SHOWN AND THE PAYMENT OF AN
27 ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR LATE
28 FILING: AND PROVIDED FURTHER, THAT EXCEPT WHERE THE FAILURE TO
29 FILE A RENEWAL APPLICATION ON OR BEFORE THE EXPIRATION DATE HAS
30 CREATED A LICENSE QUOTA VACANCY AFTER SAID EXPIRATION DATE WHICH

1 HAS BEEN FILLED BY THE ISSUANCE OF A NEW LICENSE, AFTER SUCH
2 EXPIRATION DATE, BUT BEFORE THE BOARD HAS RECEIVED A RENEWAL
3 APPLICATION NUNC PRO TUNC WITHIN THE TIME PRESCRIBED HEREIN THE
4 BOARD, IN ITS DISCRETION, MAY, AFTER HEARING, ACCEPT A RENEWAL
5 APPLICATION FILED WITHIN TWO YEARS AFTER THE EXPIRATION DATE OF
6 THE LICENSE WITH THE REQUIRED FEES UPON THE PAYMENT OF AN
7 ADDITIONAL FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR
8 LATE FILING. WHERE ANY SUCH RENEWAL APPLICATION IS FILED LESS
9 THAN SIXTY DAYS BEFORE THE EXPIRATION DATE, OR SUBSEQUENT TO THE
10 EXPIRATION DATE, NO LICENSE SHALL ISSUE UPON THE FILING OF THE
11 RENEWAL APPLICATION UNTIL THE MATTER IS FINALLY DETERMINED BY
12 THE BOARD AND IF AN APPEAL IS TAKEN FROM THE BOARD'S ACTION THE
13 COURTS SHALL NOT ORDER THE ISSUANCE OF THE RENEWAL LICENSE UNTIL
14 FINAL DETERMINATION OF THE MATTER BY THE COURTS. THE BOARD MAY
15 ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
16 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
17 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE
18 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
19 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
20 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
21 UNDER THIS SECTION. A RENEWAL APPLICATION WILL NOT BE CONSIDERED
22 FILED UNLESS ACCOMPANIED BY THE REQUISITE FILING AND LICENSE
23 FEES AND ANY ADDITIONAL FILING FEE REQUIRED BY THIS SECTION.
24 UNLESS THE BOARD SHALL HAVE GIVEN TEN DAYS' PREVIOUS NOTICE TO
25 THE APPLICANT OF OBJECTIONS TO THE RENEWAL OF HIS LICENSE, BASED
26 UPON VIOLATION BY THE LICENSEE OR HIS SERVANTS, AGENTS OR
27 EMPLOYES OF ANY OF THE LAWS OF THE COMMONWEALTH OR REGULATIONS
28 OF THE BOARD RELATING TO THE MANUFACTURE, TRANSPORTATION, USE,
29 STORAGE, IMPORTATION, POSSESSION OR SALE OF LIQUORS, ALCOHOL OR
30 MALT OR BREWED BEVERAGES, OR THE CONDUCT OF A LICENSED

1 ESTABLISHMENT, OR UNLESS THE APPLICANT OR ITS SHAREHOLDERS,
2 DIRECTORS, OFFICERS, ASSOCIATION MEMBERS, SERVANTS, AGENTS OR
3 EMPLOYES HAS BY HIS OWN ACT BECOME A PERSON OF ILL REPUTE, OR
4 UNLESS THE PREMISES DO NOT MEET THE REQUIREMENTS OF THIS ACT OR
5 THE REGULATIONS OF THE BOARD, THE LICENSE OF A LICENSEE SHALL BE
6 RENEWED.

7 * * *

8 (B) IN CASES WHERE A LICENSEE OR ITS SERVANTS, AGENTS OR
9 EMPLOYES ARE ARRESTED OR CHARGED WITH VIOLATING ANY OF THE LAWS
10 OF THIS COMMONWEALTH OR IF A LICENSEE HAS ONE OR MORE
11 UNADJUDICATED CITATIONS PENDING AGAINST THE LICENSEE AT THE TIME
12 A RENEWAL APPLICATION FOR THE LICENSE IS PENDING BEFORE THE
13 BOARD, THE BOARD MAY, IN ITS DISCRETION, RENEW THE LICENSE;
14 HOWEVER, THE RENEWED LICENSE MAY BE SUBSEQUENTLY REVOKED BY THE
15 BOARD IF AND WHEN THE LICENSEE OR ITS SERVANTS, AGENTS OR
16 EMPLOYES ARE CONVICTED OF THE PENDING CRIMINAL CHARGES OR WHEN
17 THE CITATION ISSUED AGAINST THE LICENSE IS ADJUDICATED BY THE
18 OFFICE OF ADMINISTRATIVE LAW JUDGE.

19 IN THE EVENT THE RENEWAL LICENSE IS REVOKED BY THE BOARD,
20 NEITHER THE LICENSE FEE PAID FOR THE LICENSE NOR ANY PART
21 THEREOF SHALL BE RETURNED TO THE LICENSEE. ANY LICENSEE WHOSE
22 LICENSE IS REVOKED SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER
23 THIS ACT UNTIL THE EXPIRATION OF THREE YEARS FROM THE DATE SUCH
24 LICENSE WAS REVOKED. IN THE EVENT A LICENSE IS REVOKED, NO
25 LICENSE SHALL BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE
26 PREMISES IN WHICH THE SAID LICENSE WAS CONDUCTED FOR A PERIOD OF
27 AT LEAST ONE YEAR AFTER THE DATE OF THE REVOCATION OF THE
28 LICENSE CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE
29 THE LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE
30 OWNER OF THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS

1 DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE SAID YEAR.

2 * * *

3 (D) IF THE RENEWAL OF THE LICENSE IS OBJECTED TO BECAUSE OF
4 THE REPUTATION OF THE APPLICANT OR ITS SHAREHOLDERS, DIRECTORS,
5 OFFICERS, ASSOCIATION MEMBERS, SERVANTS, AGENTS OR EMPLOYES OR
6 UNDER SUBSECTION (A.1), THE DIRECTOR OF THE BUREAU OF LICENSING
7 MAY, IN HIS DISCRETION, GRANT THE APPLICANT TEMPORARY OPERATING
8 AUTHORITY UNDER WHATEVER TERMS HE DEEMS APPROPRIATE. SUCH
9 OPERATING AUTHORITY SHALL NOT EXCEED NINETY CALENDAR DAYS.

10 (E) IF THE RENEWAL OF THE LICENSE IS OBJECTED TO BECAUSE OF
11 THE REPUTATION OF THE APPLICANT OR ITS SHAREHOLDERS, DIRECTORS,
12 OFFICERS, ASSOCIATION MEMBERS, SERVANTS, AGENTS OR EMPLOYES OR
13 UNDER SUBSECTION (A.1), THE BOARD SHALL RENDER A DECISION ON THE
14 APPLICATION WITHIN NINETY CALENDAR DAYS.

15 SECTION 3. SECTION 471(B) OF THE ACT, AMENDED JULY 6, 2005
16 (P.L.135, NO.39), IS AMENDED TO READ:

17 SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.--

18 * * *

19 (B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME
20 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR
21 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION
22 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE
23 LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR
24 IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN
25 [ONE THOUSAND DOLLARS (\$1,000)] TWO THOUSAND DOLLARS (\$2,000),
26 OR BOTH, NOTIFYING THE LICENSEE BY REGISTERED LETTER ADDRESSED
27 TO HIS LICENSED PREMISES. IF THE LICENSEE HAS BEEN CITED AND
28 FOUND TO HAVE VIOLATED SECTION 493(1) INsofar AS IT RELATES TO
29 SALES TO MINORS OR SALES TO A VISIBLY INTOXICATED PERSON,
30 SECTION 493(10) INsofar AS IT RELATES TO LEWD, IMMORAL OR

1 IMPROPER ENTERTAINMENT OR SECTION 493(14), (16) OR (21), OR HAS
2 BEEN FOUND TO BE A PUBLIC NUISANCE PURSUANT TO SECTION 611, OR
3 IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY
4 AUTHORIZED AGENT OF THE OWNER OR OPERATOR HAS BEEN CONVICTED OF
5 ANY VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
6 KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
7 ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION AND
8 RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF MINORS), AT
9 OR RELATING TO THE LICENSED PREMISES, THE ADMINISTRATIVE LAW
10 JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE
11 A FINE OF NOT LESS THAN [ONE THOUSAND DOLLARS (\$1,000)] TWO
12 THOUSAND DOLLARS (\$2,000) NOR MORE THAN [FIVE THOUSAND DOLLARS
13 (\$5,000)] TEN THOUSAND DOLLARS (\$10,000), OR BOTH. IF THE
14 LICENSEE HAS BEEN CITED FOR AND FOUND TO BE KNOWINGLY AWARE OF
15 AN ILLEGAL FIREARMS TRANSACTION WHICH OCCURS ON THE LICENSED
16 PREMISES, THE ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY REVOKE
17 THE LICENSE AND IMPOSE A FINE OF NOT LESS THAN TWO THOUSAND
18 DOLLARS (\$2,000) NOR MORE THAN TEN THOUSAND DOLLARS (\$10,000).
19 HOWEVER, IF A LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED
20 SECTION 493(1) AS IT RELATES TO SALES TO MINORS OR SALES TO A
21 VISIBLY INTOXICATED PERSON BUT AT THE TIME OF THE SALE THE
22 LICENSEE WAS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN
23 SECTION 471.1 AND THE LICENSEE HAD NOT SOLD TO MINORS OR VISIBLY
24 INTOXICATED PERSONS IN THE PREVIOUS FOUR YEARS, THEN THE
25 ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE
26 LICENSE, OR IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50)
27 NOR MORE THAN [ONE THOUSAND DOLLARS (\$1,000)] TWO THOUSAND
28 DOLLARS (\$2,000), OR BOTH. THE ADMINISTRATIVE LAW JUDGE SHALL
29 NOTIFY THE LICENSEE BY REGISTERED MAIL, ADDRESSED TO THE
30 LICENSED PREMISES, OF SUCH SUSPENSION, REVOCATION OR FINE. IN

1 THE EVENT THE FINE IS NOT PAID WITHIN TWENTY DAYS OF THE
2 ADJUDICATION, THE ADMINISTRATIVE LAW JUDGE SHALL SUSPEND OR
3 REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY REGISTERED MAIL
4 ADDRESSED TO THE LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS
5 SHALL NOT GO INTO EFFECT UNTIL THIRTY DAYS HAVE ELAPSED FROM THE
6 DATE OF THE ADJUDICATION DURING WHICH TIME THE LICENSEE MAY TAKE
7 AN APPEAL AS PROVIDED FOR IN THIS ACT, EXCEPT THAT REVOCATIONS
8 MANDATED IN SECTION 481(C) SHALL GO INTO EFFECT IMMEDIATELY. ANY
9 LICENSEE WHOSE LICENSE IS REVOKED SHALL BE INELIGIBLE TO HAVE A
10 LICENSE UNDER THIS ACT UNTIL THE EXPIRATION OF THREE YEARS FROM
11 THE DATE SUCH LICENSE WAS REVOKED. IN THE EVENT A LICENSE IS
12 REVOKED, NO LICENSE SHALL BE GRANTED FOR THE PREMISES OR
13 TRANSFERRED TO THE PREMISES IN WHICH THE SAID LICENSE WAS
14 CONDUCTED FOR A PERIOD OF AT LEAST ONE YEAR AFTER THE DATE OF
15 THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID PREMISES,
16 EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS IMMEDIATE
17 FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE THE BOARD
18 MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE
19 SAID YEAR. IN THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED
20 OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED
21 BY THE ADJUDICATION OF THE ADMINISTRATIVE LAW JUDGE, THERE SHALL
22 BE A RIGHT TO APPEAL TO THE BOARD. THE APPEAL SHALL BE BASED
23 SOLELY ON THE RECORD BEFORE THE ADMINISTRATIVE LAW JUDGE. THE
24 BOARD SHALL ONLY REVERSE THE DECISION OF THE ADMINISTRATIVE LAW
25 JUDGE IF THE ADMINISTRATIVE LAW JUDGE COMMITTED AN ERROR OF LAW,
26 ABUSED ITS DISCRETION OR IF ITS DECISION IS NOT BASED ON
27 SUBSTANTIAL EVIDENCE. IN THE EVENT THE BUREAU OR THE PERSON WHO
28 WAS FINED OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL
29 AGGRIEVED BY THE DECISION OF THE BOARD, THERE SHALL BE A RIGHT
30 TO APPEAL TO THE COURT OF COMMON PLEAS [IN THE SAME MANNER AS

1 HEREIN PROVIDED FOR APPEALS FROM REFUSALS TO GRANT LICENSES.]
2 WHICH SHALL AFFIRM THE BOARD UNLESS THE BOARD'S DECISION IS AN
3 ERROR OF LAW, IS AN ABUSE OF DISCRETION OR UNLESS THE BOARD'S
4 DECISION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE. EACH OF THE
5 APPEALS SHALL ACT AS A SUPERSEDEAS UNLESS, UPON SUFFICIENT CAUSE
6 SHOWN, THE REVIEWING AUTHORITY SHALL DETERMINE OTHERWISE;
7 HOWEVER, IF THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE
8 VIOLATED SECTION 493(1) INSOFAR AS IT RELATES TO SALES TO MINORS
9 OR SALES TO A VISIBLY INTOXICATED PERSON, SECTION 493(10)
10 INSOFAR AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
11 OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A
12 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR
13 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
14 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF "THE
15 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18
16 PA.C.S. § 5902 OR 6301, AT OR RELATING TO THE LICENSED PREMISES,
17 OR IF THE LICENSE HAS BEEN REVOKED UNDER SECTION 481(C), OR IF
18 THE LICENSE IS REVOKED BECAUSE OF AN ILLEGAL FIREARM
19 TRANSACTION, ITS APPEAL SHALL NOT ACT AS A SUPERSEDEAS UNLESS
20 THE REVIEWING AUTHORITY DETERMINES OTHERWISE UPON SUFFICIENT
21 CAUSE SHOWN. IN ANY HEARING ON AN APPLICATION FOR A SUPERSEDEAS
22 UNDER THIS SECTION, THE REVIEWING AUTHORITY MAY CONSIDER, IN
23 ADDITION TO OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE,
24 INCLUDING RECORDS OF THE BUREAU, SHOWING THE PRIOR HISTORY OF
25 CITATIONS, FINES, SUSPENSIONS OR REVOCATIONS AGAINST THE
26 LICENSEE; AND THE REVIEWING AUTHORITY MAY ALSO CONSIDER, IN
27 ADDITION TO OTHER RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE
28 OF THE UNLAWFUL ACTIVITY OCCURRING BETWEEN THE DATE OF THE
29 CITATION WHICH IS THE SUBJECT OF THE APPEAL AND THE DATE OF THE
30 HEARING. IF THE REVIEWING AUTHORITY IS THE BOARD, NO HEARING

1 SHALL BE HELD ON THE APPLICATION FOR A SUPERSEDEAS; HOWEVER, A
2 DECISION SHALL BE MADE BASED ON THE APPLICATION, ANSWER AND
3 DOCUMENTARY EVIDENCE UNDER THIS SUBSECTION. IF THE APPLICATION
4 FOR A SUPERSEDEAS IS FOR A LICENSE THAT HAS BEEN REVOKED UNDER
5 SECTION 481(C), THE REVIEWING AUTHORITY SHALL GRANT THE
6 SUPERSEDEAS ONLY IF IT FINDS THAT THE LICENSEE WILL LIKELY
7 PREVAIL ON THE MERITS. NO PENALTY PROVIDED BY THIS SECTION SHALL
8 BE IMPOSED FOR ANY VIOLATIONS PROVIDED FOR IN THIS ACT UNLESS
9 THE BUREAU NOTIFIES THE LICENSEE OF ITS NATURE WITHIN THIRTY
10 DAYS OF THE COMPLETION OF THE INVESTIGATION.

11 * * *

12 SECTION 4. SECTION 471.1 OF THE ACT IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 Section 471.1. Responsible Alcohol Management.--* * *

15 (g) Unless successfully completed prior to appointment, a
16 manager appointed by any restaurant, eating place retail
17 dispenser, hotel, club or distributor licensee shall be required
18 to complete the manager/owner training under subsection (c)
19 within 180 days of approval of appointment by the board.

20 Section ~~2~~ 5. The addition of section 471.1(g) of the act <—
21 shall apply to the appointment of managers made pursuant to
22 applications for appointment, license transfer and applications
23 for new licenses filed with the Pennsylvania Liquor Control
24 Board after the effective date of this section.

25 Section ~~3~~ 6. This act shall take effect in 60 days. <—