

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 82 Session of 2011

INTRODUCED BY THOMAS, BISHOP, CALTAGIRONE, READSHAW, M. O'BRIEN  
AND WAGNER, JANUARY 19, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 19, 2011

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, further providing for issuance,  
18 transfer or extension of hotel, restaurant and club liquor  
19 licenses.

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

22 Section 1. Section 404 of the act of April 12, 1951 (P.L.90,  
23 No.21), known as the Liquor Code, reenacted and amended June 29,  
24 1987 (P.L.32, No.14) and amended January 6, 2006 (P.L.1, No.1),  
25 is amended 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:

4 (1) the applicant is the only person in any manner  
5 pecuniarily interested in the business so asked to be licensed  
6 and that no other person will be in any manner pecuniarily  
7 interested therein during the continuance of the license, except  
8 as hereinafter permitted[, and that];

9 (2) the applicant is a person of good repute[, that];

10 (3) the premises applied for meet all the requirements of  
11 this act and the regulations of the board[, that];

12 (4) the applicant seeks a license for a hotel, restaurant or  
13 club, as defined in this act[, and that]; and

14 (5) the issuance of such license is not prohibited by any of  
15 the provisions of this act[,]

16 the board shall, in the case of a hotel or restaurant, grant and  
17 issue to the applicant a liquor license, and in the case of a  
18 club may, in its discretion, issue or refuse a license[:  
19 Provided, however, That in].

20 (b) In the case of any new license or the transfer of any  
21 license to another person, a new location or the extension of an  
22 existing license to cover an additional area, the board may, in  
23 its discretion, grant or refuse such new license, transfer or  
24 extension if:

25 (1) such place proposed to be licensed is within three  
26 hundred feet of any church, hospital, charitable institution,  
27 school, or public playground[, or if]; or

28 (2) such new license, transfer or extension is applied for a  
29 place which is within two hundred feet of any other premises  
30 which is licensed by the board[: And provided further, That

1 the].

2 (c) The board's authority to refuse to grant a license  
3 [because of its proximity to a church, hospital, charitable  
4 institution, public playground or other licensed premises] under  
5 subsection (b) (1) shall not be applicable to license  
6 applications submitted for public venues or performing arts  
7 facilities[: And provided further, That the].

8 (d) The board shall refuse any application for a new  
9 license, the transfer of any license to another person, a new  
10 location or the extension of an existing license to cover an  
11 additional area if, in the board's opinion, such new license,  
12 transfer or extension would be detrimental to the welfare,  
13 health, peace and morals of the inhabitants of the neighborhood  
14 within a radius of five hundred feet of the place proposed to be  
15 licensed[: And provided further, That the].

16 (e) The board shall have the discretion to refuse a license  
17 to any person or to any corporation, partnership or association  
18 if such person, or any officer or director of such corporation,  
19 or any member or partner of such partnership or association  
20 shall have been convicted or found guilty of a felony within a  
21 period of five years immediately preceding the date of  
22 application for the said license.

23 (f) The board shall refuse any application for a new  
24 license, the transfer of any license to another person, a new  
25 location or the extension of any license to cover an additional  
26 area where the sale of liquid fuels or oil is conducted.

27 (g) (1) The board may enter into an agreement with the  
28 applicant concerning additional restrictions on the license in  
29 question. If the board and the applicant enter into such an  
30 agreement, such agreement shall be binding on the applicant.

1     (2) Failure by the applicant to adhere to the agreement will  
2 be sufficient cause to form the basis for a citation under  
3 section 471 and for the nonrenewal of the license under section  
4 470.

5     (3) If the board enters into an agreement with an applicant  
6 concerning additional restrictions, those restrictions shall be  
7 binding on subsequent holders of the license until the license  
8 is transferred to another person, a new location or until the  
9 board enters into a subsequent agreement removing those  
10 restrictions.

11    (4) If the application in question involves a location  
12 previously licensed by the board, then any restrictions imposed  
13 by the board on the previous license at that location shall be  
14 binding on the applicant unless the board enters into a new  
15 agreement rescinding those restrictions.

16    (h) The board may, in its discretion, refuse an application  
17 for an economic development license under section 461(b.1) or an  
18 application for an intermunicipal transfer of a license if the  
19 board receives a protest from the governing body of the  
20 receiving municipality. The receiving municipality of an  
21 intermunicipal transfer or an economic development license under  
22 section 461(b.1) may file a protest against the transfer of a  
23 license into its municipality, and the receiving municipality  
24 shall have standing in a hearing to present testimony in support  
25 of or against the issuance or transfer of a license.

26    (i) Upon any opening in any quota, an application for a new  
27 license shall only be filed with the board for a period of six  
28 months following said opening.

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