

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1231 Session of 2011

INTRODUCED BY WATERS AND M. O'BRIEN, MARCH 29, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 29, 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,"  
 17 further providing for issuance, transfer or extension of  
 18 hotel, restaurant and club liquor licenses, for the  
 19 definition of "public venue," for public venue licenses, for  
 20 court jurisdiction on appeals from decision of the board, for  
 21 hearings before the board and administrative law judges, for  
 22 revocation of licenses, for increased fines and for renewal  
 23 of licenses; and providing for licensees engaged in or  
 24 allowing other businesses on licensed premises.

25 The General Assembly of the Commonwealth of Pennsylvania  
 26 hereby enacts as follows:

27 Section 1. The definition of "public venue" in section 102  
 28 of the act of April 12, 1951 (P.L.90, No.21), known as the  
 29 Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14)

1 and amended June 25, 2010 (P.L.217, No.35), is amended to read:

2 Section 102. Definitions.--The following words or phrases,  
3 unless the context clearly indicates otherwise, shall have the  
4 meanings ascribed to them in this section:

5 \* \* \*

6 "Public venue" shall mean a stadium, arena, convention  
7 center, museum, zoo, amphitheater or similar structure. If the  
8 public venue is a cruise terminal owned or leased by a port  
9 authority created under the act of June 12, 1931 (P.L.575,  
10 No.200), entitled "An act providing for joint action by  
11 Pennsylvania and New Jersey in the development of the ports on  
12 the lower Delaware River, and the improvement of the facilities  
13 for transportation across the river; authorizing the Governor,  
14 for these purposes, to enter into an agreement with New Jersey;  
15 creating The Delaware River Joint Commission and specifying the  
16 powers and duties thereof, including the power to finance  
17 projects by the issuance of revenue bonds; transferring to the  
18 new commission all the powers of the Delaware River Bridge Joint  
19 Commission; and making an appropriation," it shall have no  
20 permanent seating requirement. If the public venue is an open-  
21 air amphitheater owned by a port authority created under the act  
22 of December 6, 1972 (P.L.1392, No.298), known as the "Third  
23 Class City Port Authority Act," it shall have no permanent  
24 seating requirement. If the public venue is owned by a political  
25 subdivision, a municipal authority, the Commonwealth, an  
26 authority created under the act of July 29, 1953 (P.L.1034,  
27 No.270), known as the "Public Auditorium Authorities Law," an  
28 authority created under Article XXV-A of the act of July 28,  
29 1953 (P.L.723, No.230), known as the "Second Class County Code,"  
30 an art museum established under the authority of the act of

1 April 6, 1791 (3 Sm.L.20, No.1536), entitled "An act to confer  
2 on certain associations of the citizens of this commonwealth the  
3 powers and immunities of corporations, or bodies politic in  
4 law," or an authority created under Article XXIII (n) or (o) of  
5 the act of August 9, 1955 (P.L.323, No.130), known as "The  
6 County Code," it shall have permanent seating for at least one  
7 thousand (1,000) people; otherwise, it shall have permanent  
8 seating for at least two thousand (2,000) people. The term shall  
9 also mean any regional history center, multipurpose cultural and  
10 science facility, museum or convention or trade show center,  
11 regardless of owner and seating capacity, that has a floor area  
12 of at least sixty thousand (60,000) square feet in one building.  
13 The term shall also mean a convention or conference center owned  
14 by a city of the third class or a university which is a member  
15 of the Pennsylvania State System of Higher Education which is  
16 operated by a university foundation or alumni association,  
17 regardless of seating capacity, that has a floor area of at  
18 least fifteen thousand (15,000) square feet in one building. The  
19 term shall also mean a visitor center, regardless of floor area  
20 or seating capacity, that was established under the authority of  
21 the Gateway Visitor Center Authorization Act of 1999 (Public Law  
22 106-131, 113 Stat. 1678, 16 U.S.C. § 407m)). If the public venue  
23 is a zoo, is an accredited member of the Association of Zoos and  
24 Aquariums, occupies at least thirty (30) acres, has been in  
25 existence at least one hundred (100) years and is located in a  
26 city of the first or second class, then it shall have no square  
27 footage or permanent seating requirements.

28 \* \* \*

29 Section 2. Section 404 of the act, amended January 6, 2006  
30 (P.L.1, No.1), is amended to read:

1       Section 404.   Issuance, Transfer or Extension of Hotel,  
2 Restaurant and Club Liquor Licenses.--(a)   Upon receipt of the  
3 application and the proper fees, and upon being satisfied of the  
4 truth of the statements in the application that the applicant is  
5 the only person in any manner pecuniarily interested in the  
6 business so asked to be licensed and that no other person will  
7 be in any manner pecuniarily interested therein during the  
8 continuance of the license, except as hereinafter permitted, and  
9 that the applicant is a person of good repute, that the premises  
10 applied for meet all the requirements of this act and the  
11 regulations of the board, that the applicant seeks a license for  
12 a hotel, restaurant or club, as defined in this act, and that  
13 the issuance of such license is not prohibited by any of the  
14 provisions of this act, the board shall, in the case of a hotel  
15 or restaurant, grant and issue to the applicant a liquor  
16 license, and in the case of a club may, in its discretion, issue  
17 or refuse a license: Provided, however, That in the case of any  
18 new license or the transfer of any license to a new location or  
19 the extension of an existing license to cover an additional area  
20 the board may, in its discretion, grant or refuse such new  
21 license, transfer or extension if such place proposed to be  
22 licensed is within three hundred feet of any church, hospital,  
23 charitable institution, school, or public playground, or if such  
24 new license, transfer or extension is applied for a place which  
25 is within two hundred feet of any other premises which is  
26 licensed by the board: And provided further, That the board's  
27 authority to refuse to grant a license because of its proximity  
28 to a church, hospital, charitable institution, public playground  
29 or other licensed premises shall not be applicable to license  
30 applications submitted for public venues or performing arts

1 facilities: And provided further, That the board shall refuse  
2 any application for a new license, the transfer of any license  
3 to a new location or the extension of an existing license to  
4 cover an additional area if, in the board's opinion, such new  
5 license, transfer or extension would be detrimental to the  
6 welfare, health, peace and morals of the inhabitants of the  
7 neighborhood within a radius of five hundred feet of the place  
8 proposed to be licensed: And provided further, That the board  
9 shall have the discretion to refuse a license to any person or  
10 to any corporation, partnership or association if such person,  
11 or any officer or director of such corporation, or any member or  
12 partner of such partnership or association shall have been  
13 convicted or found guilty of a felony within a period of five  
14 years immediately preceding the date of application for the said  
15 license. The board shall refuse any application for a new  
16 license, the transfer of any license to a new location or the  
17 extension of any license to cover an additional area where the  
18 sale of liquid fuels or oil is conducted. The board may enter  
19 into an agreement with the applicant concerning additional  
20 restrictions on the license in question. If the board and the  
21 applicant enter into such an agreement, such agreement shall be  
22 binding on the applicant. Failure by the applicant to adhere to  
23 the agreement will be sufficient cause to form the basis for a  
24 citation under section 471 and for the nonrenewal of the license  
25 under section 470. If the board enters into an agreement with an  
26 applicant concerning additional restrictions, those restrictions  
27 shall be binding on subsequent holders of the license until the  
28 license is transferred to a new location or until the board  
29 enters into a subsequent agreement removing those restrictions.  
30 If the application in question involves a location previously

1 licensed by the board, then any restrictions imposed by the  
2 board on the previous license at that location shall be binding  
3 on the applicant unless the board enters into a new agreement  
4 rescinding those restrictions. The board may, in its discretion,  
5 refuse an application for an economic development license under  
6 section 461(b.1) or an application for an intermunicipal  
7 transfer of a license if the board receives a protest from the  
8 governing body of the receiving municipality. The receiving  
9 municipality of an intermunicipal transfer or an economic  
10 development license under section 461(b.1) may file a protest  
11 against the transfer of a license into its municipality, and the  
12 receiving municipality shall have standing in a hearing to  
13 present testimony in support of or against the issuance or  
14 transfer of a license. Upon any opening in any quota, an  
15 application for a new license shall only be filed with the board  
16 for a period of six months following said opening.

17 (b) If a person is seeking a transfer of a hotel, restaurant  
18 or eating place license in a city of the first class, proof or  
19 certification of zoning compliance for the hotel, restaurant or  
20 eating place for which the license transfer is being applied  
21 must be submitted with the application.

22 Section 3. Section 412(b) and (f)(1) of the act, amended  
23 February 21, 2002 (P.L.103, No.10), are amended to read:

24 Section 412. Public Venue License.--\* \* \*

25 (b) An application for a restaurant liquor license under  
26 this section may be made by the owner of the public venue, the  
27 operator of the public venue or by a concessionaire designated  
28 by the governing body of either the owner of the public venue or  
29 the operator. The application and issuance of the license is  
30 subject to sections 403 and 404 unless otherwise stated, except

1 that private banquets and other events at zoos may be held at  
2 any site within the zoo property. The licensing period shall be  
3 as set forth by the board under section 402. The application,  
4 renewal and filing fees shall be as prescribed in section 614-  
5 A(25) of the act of April 9, 1929 (P.L.177, No.175), known as  
6 "The Administrative Code of 1929."

7 \* \* \*

8 (f) Licenses issued under this section are to be considered  
9 restaurant liquor licenses. However, the following additional  
10 restrictions and privileges apply:

11 (1) Sales may only be made one hour before, during and one  
12 hour after any athletic performance, performing arts event,  
13 trade show, convention, banquet or any other performance at the  
14 facility; however, sales may not be made from two o'clock  
15 antemeridian to seven o'clock antemeridian. In addition, sales  
16 may not occur prior to eleven o'clock antemeridian on Sundays or  
17 seven o'clock antemeridian on Mondays. Notwithstanding this  
18 section, facilities that had been licensed under former sections  
19 408.9 and 408.14 and zoos may sell liquor and/or malt or brewed  
20 beverages anytime except from two o'clock antemeridian to seven  
21 o'clock antemeridian or prior to eleven o'clock antemeridian on  
22 Sundays or seven o'clock antemeridian on Mondays, regardless of  
23 whether there is a performance at the facility.

24 \* \* \*

25 Section 4. Section 464 of the act, amended December 9, 2002  
26 (P.L.1653, No.212), is amended to read:

27 Section 464. Hearings Upon Refusal of Licenses, Renewals or  
28 Transfers; Appeals.--The board may of its own motion, and shall  
29 upon the written request of any applicant for club, hotel or  
30 restaurant liquor license, or any applicant for any malt or

1 brewed beverage license other than a public service license, or  
2 for renewal or transfer thereof, or for the renewal of an  
3 amusement permit, whose application for such license, renewal or  
4 transfer, or the renewal of an amusement permit, has been  
5 refused, fix a time and place for hearing of such application  
6 for license or for renewal or transfer thereof, or the renewal  
7 of an amusement permit, notice of which hearing shall be mailed  
8 to the applicant at the address given in his application. Such  
9 hearing shall be before a hearing examiner designated by the  
10 board. At such hearing, the board shall present its reasons for  
11 its refusal or withholding of license, renewal or transfer  
12 thereof, or its refusal for renewal of an amusement permit. The  
13 applicant may appear in person or by counsel, may cross-examine  
14 the witnesses for the board and may present evidence which shall  
15 likewise be subject to cross-examination by the board. Such  
16 hearing shall be stenographically recorded. The hearing examiner  
17 shall thereafter report, with the examiner's recommendation, to  
18 the board in each case. The board shall thereupon grant or  
19 refuse the license, renewal or transfer thereof or the renewal  
20 of an amusement permit. In considering the renewal of a license  
21 or amusement permit, the board shall not refuse any such renewal  
22 on the basis of the propriety of the original issuance or any  
23 prior renewal of such license or amusement permit. If the board  
24 shall refuse such license, renewal or transfer or the renewal of  
25 an amusement permit, following such hearing, notice in writing  
26 of such refusal shall be mailed to the applicant at the address  
27 given in his application. In all such cases, the board shall  
28 file of record at least a brief statement in the form of an  
29 opinion of the reasons for the ruling or order and furnish a  
30 copy thereof to the applicant. Any applicant who has appeared at



1 any hearing, as above provided, who is aggrieved by the refusal  
2 of the board to issue any such license or to renew or transfer  
3 any such license or to issue or renew any amusement permit may  
4 appeal, or any church, hospital, charitable institution, school  
5 or public playground located within three hundred feet of the  
6 premises applied for, aggrieved by the action of the board in  
7 granting the issuance of any such license or the transfer of any  
8 such license, may take an appeal limited to the question of such  
9 grievance, within twenty days from date of refusal or grant, to  
10 the court of common pleas of the county in which the premises or  
11 permit applied for is located. If the application is for an  
12 economic development license under section 461(b.1) or the  
13 intermunicipal transfer of a license, the governing body of the  
14 municipality receiving the new license or the transferred  
15 license may file an appeal of the board decision granting the  
16 license, within twenty days of the date of the board's decision,  
17 to the court of common pleas of the county in which the proposed  
18 premises is located. Such appeal shall be upon petition of the  
19 aggrieved party, who shall serve a copy thereof upon the board,  
20 whereupon a hearing shall be held upon the petition by the court  
21 upon ten days' notice to the board. The said appeal shall,  
22 except in cases involving the renewal of a license, act as a  
23 supersedeas unless upon sufficient cause shown the court shall  
24 determine otherwise. The court shall [hear the application de  
25 novo on questions of fact, administrative discretion and such  
26 other matters as are involved, at such time as it shall fix, of  
27 which notice shall be given to the board. The court shall either  
28 sustain or over-rule the action of the board and either order or  
29 deny the issuance of a new license or the renewal or transfer of  
30 the license or the renewal of an amusement permit to the

1 applicant] affirm the board unless the board's decision is an  
2 error of law, an abuse of discretion or unless the board's  
3 decision is not supported by substantial evidence.

4 Section 5. Section 470(a) and (b) of the act, amended  
5 December 9, 2002 (P.L.1653, No.212) and December 8, 2004  
6 (P.L.1810, No.239), are amended and the section is amended by  
7 adding subsections to read:

8 Section 470. Renewal of Licenses; Temporary Provisions for  
9 Licensees in Armed Service.--(a) All applications for renewal  
10 of licenses under the provisions of this article shall be filed  
11 with tax clearance from the Department of Revenue and the  
12 Department of Labor and Industry and requisite license and  
13 filing fees at least sixty days before the expiration date of  
14 same: Provided, however, That the board, in its discretion, may  
15 accept nunc pro tunc a renewal application filed less than sixty  
16 days before the expiration date of the license with the required  
17 fees, upon reasonable cause shown and the payment of an  
18 additional filing fee of one hundred dollars (\$100.00) for late  
19 filing: And provided further, That except where the failure to  
20 file a renewal application on or before the expiration date has  
21 created a license quota vacancy after said expiration date which  
22 has been filled by the issuance of a new license, after such  
23 expiration date, but before the board has received a renewal  
24 application nunc pro tunc within the time prescribed herein the  
25 board, in its discretion, may, after hearing, accept a renewal  
26 application filed within two years after the expiration date of  
27 the license with the required fees upon the payment of an  
28 additional filing fee of two hundred fifty dollars (\$250.00) for  
29 late filing. Where any such renewal application is filed less  
30 than sixty days before the expiration date, or subsequent to the

1 expiration date, no license shall issue upon the filing of the  
2 renewal application until the matter is finally determined by  
3 the board and if an appeal is taken from the board's action the  
4 courts shall not order the issuance of the renewal license until  
5 final determination of the matter by the courts. The board may  
6 enter into an agreement with the applicant concerning additional  
7 restrictions on the license in question. If the board and the  
8 applicant enter into such an agreement, such agreement shall be  
9 binding on the applicant. Failure by the applicant to adhere to  
10 the agreement will be sufficient cause to form the basis for a  
11 citation under section 471 and for the nonrenewal of the license  
12 under this section. A renewal application will not be considered  
13 filed unless accompanied by the requisite filing and license  
14 fees and any additional filing fee required by this section.  
15 Unless the board shall have given ten days' previous notice to  
16 the applicant of objections to the renewal of his license, based  
17 upon violation by the licensee or his servants, agents or  
18 employes of any of the laws of the Commonwealth or regulations  
19 of the board relating to the manufacture, transportation, use,  
20 storage, importation, possession or sale of liquors, alcohol or  
21 malt or brewed beverages, or the conduct of a licensed  
22 establishment, or unless the applicant or its shareholders,  
23 directors, officers, association members, servants, agents or  
24 employes has by his own act become a person of ill repute, or  
25 unless the premises do not meet the requirements of this act or  
26 the regulations of the board, the license of a licensee shall be  
27 renewed.

28 \* \* \*

29 (b) In cases where a licensee or its servants, agents or  
30 employes are arrested or charged with violating any of the laws

1 of this Commonwealth or if a licensee has one or more  
2 unadjudicated citations pending against the licensee at the time  
3 a renewal application for the license is pending before the  
4 board, the board may, in its discretion, renew the license;  
5 however, the renewed license may be subsequently revoked by the  
6 board if and when the licensee or its servants, agents or  
7 employees are convicted of the pending criminal charges or when  
8 the citation issued against the license is adjudicated by the  
9 Office of Administrative Law Judge.

10 In the event the renewal license is revoked by the board,  
11 neither the license fee paid for the license nor any part  
12 thereof shall be returned to the licensee. A licensee whose  
13 license is revoked shall be ineligible to have a license under  
14 this act until the expiration of three years from the date the  
15 license was revoked. In the event a license is revoked, no  
16 license may be granted for the premises or transferred to the  
17 premises in which the said license was conducted for a period of  
18 at least one year after the date of the revocation of the  
19 license conducted in the premises, except in cases where the  
20 licensee or a member of the licensee's immediate family is not  
21 the owner of the premises, in which case the board may, in its  
22 discretion, issue or transfer a license within the year.

23 \* \* \*

24 (d) If the renewal of the license is objected to because of  
25 the reputation of the applicant or its shareholders, directors,  
26 officers, association members, servants, agents or employees or  
27 under subsection (a.1), the Director of the Bureau of Licensing  
28 may, in the director's discretion, grant the applicant temporary  
29 operating authority under whatever terms the director deems  
30 appropriate. The operating authority shall not exceed 90

1 calendar days.

2 (e) If the renewal of the license is objected to because of  
3 the reputation of the applicant or its shareholders, directors,  
4 officers, association members, servants, agents or employees or  
5 under subsection (a.1), the board shall render a decision on the  
6 application within 90 calendar days.

7 Section 6. Section 471(b) of the act, amended July 6, 2005  
8 (P.L.135, No.39), is amended to read:

9 Section 471. Revocation and Suspension of Licenses; Fines.--

10 \* \* \*

11 (b) Hearing on such citations shall be held in the same  
12 manner as provided herein for hearings on applications for  
13 license. Upon such hearing, if satisfied that any such violation  
14 has occurred or for other sufficient cause, the administrative  
15 law judge shall immediately suspend or revoke the license, or  
16 impose a fine of not less than fifty dollars (\$50) nor more than  
17 [one thousand dollars (\$1,000)] two thousand dollars (\$2,000),  
18 or both, notifying the licensee by registered letter addressed  
19 to his licensed premises. If the licensee has been cited and  
20 found to have violated section 493(1) insofar as it relates to  
21 sales to minors or sales to a visibly intoxicated person,  
22 section 493(10) insofar as it relates to lewd, immoral or  
23 improper entertainment or section 493(14), (16) or (21), or has  
24 been found to be a public nuisance pursuant to section 611, or  
25 if the owner or operator of the licensed premises or any  
26 authorized agent of the owner or operator has been convicted of  
27 any violation of the act of April 14, 1972 (P.L.233, No.64),  
28 known as "The Controlled Substance, Drug, Device and Cosmetic  
29 Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and  
30 related offenses) or 6301 (relating to corruption of minors), at

1 or relating to the licensed premises, the administrative law  
2 judge shall immediately suspend or revoke the license, or impose  
3 a fine of not less than [one thousand dollars (\$1,000)] two  
4 thousand dollars (\$2,000) nor more than [five thousand dollars  
5 (\$5,000)] ten thousand dollars (\$10,000), or both. If the  
6 licensee has been cited for and found to be knowingly aware of  
7 an illegal firearms transaction which occurs on the licensed  
8 premises, the administrative law judge shall immediately revoke  
9 the license and impose a fine of not less than two thousand  
10 dollars (\$2,000) nor more than ten thousand dollars (\$10,000).  
11 However, if a licensee has been cited and found to have violated  
12 section 493(1) as it relates to sales to minors or sales to a  
13 visibly intoxicated person but at the time of the sale the  
14 licensee was in compliance with the requirements set forth in  
15 section 471.1 and the licensee had not sold to minors or visibly  
16 intoxicated persons in the previous four years, then the  
17 administrative law judge shall immediately suspend or revoke the  
18 license, or impose a fine of not less than fifty dollars (\$50)  
19 nor more than [one thousand dollars (\$1,000)] two thousand  
20 dollars (\$2,000), or both. The administrative law judge shall  
21 notify the licensee by registered mail, addressed to the  
22 licensed premises, of such suspension, revocation or fine. In  
23 the event the fine is not paid within twenty days of the  
24 adjudication, the administrative law judge shall suspend or  
25 revoke the license, notifying the licensee by registered mail  
26 addressed to the licensed premises. Suspensions and revocations  
27 shall not go into effect until thirty days have elapsed from the  
28 date of the adjudication during which time the licensee may take  
29 an appeal as provided for in this act, except that revocations  
30 mandated in section 481(c) shall go into effect immediately. Any

1 licensee whose license is revoked shall be ineligible to have a  
2 license under this act until the expiration of three years from  
3 the date such license was revoked. In the event a license is  
4 revoked, no license shall be granted for the premises or  
5 transferred to the premises in which the said license was  
6 conducted for a period of at least one year after the date of  
7 the revocation of the license conducted in the said premises,  
8 except in cases where the licensee or a member of his immediate  
9 family is not the owner of the premises, in which case the board  
10 may, in its discretion, issue or transfer a license within the  
11 said year. In the event the bureau or the person who was fined  
12 or whose license was suspended or revoked shall feel aggrieved  
13 by the adjudication of the administrative law judge, there shall  
14 be a right to appeal to the board. The appeal shall be based  
15 solely on the record before the administrative law judge. The  
16 board shall only reverse the decision of the administrative law  
17 judge if the administrative law judge committed an error of law,  
18 abused its discretion or if its decision is not based on  
19 substantial evidence. In the event the bureau or the person who  
20 was fined or whose license was suspended or revoked shall feel  
21 aggrieved by the decision of the board, there shall be a right  
22 to appeal to the court of common pleas [in the same manner as  
23 herein provided for appeals from refusals to grant licenses.]  
24 which shall affirm the board unless the board's decision is an  
25 error of law, is an abuse of discretion or unless the board's  
26 decision is not supported by substantial evidence. Each of the  
27 appeals shall act as a supersedeas unless, upon sufficient cause  
28 shown, the reviewing authority shall determine otherwise;  
29 however, if the licensee has been cited and found to have  
30 violated section 493(1) insofar as it relates to sales to minors

1 or sales to a visibly intoxicated person, section 493(10)  
2 insofar as it relates to lewd, immoral or improper entertainment  
3 or section 493(14), (16) or (21), or has been found to be a  
4 public nuisance pursuant to section 611, or if the owner or  
5 operator of the licensed premises or any authorized agent of the  
6 owner or operator has been convicted of any violation of "The  
7 Controlled Substance, Drug, Device and Cosmetic Act," or of 18  
8 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,  
9 or if the license has been revoked under section 481(c), or if  
10 the license is revoked because of an illegal firearm  
11 transaction, its appeal shall not act as a supersedeas unless  
12 the reviewing authority determines otherwise upon sufficient  
13 cause shown. In any hearing on an application for a supersedeas  
14 under this section, the reviewing authority may consider, in  
15 addition to other relevant evidence, documentary evidence,  
16 including records of the bureau, showing the prior history of  
17 citations, fines, suspensions or revocations against the  
18 licensee; and the reviewing authority may also consider, in  
19 addition to other relevant evidence, evidence of any recurrence  
20 of the unlawful activity occurring between the date of the  
21 citation which is the subject of the appeal and the date of the  
22 hearing. If the reviewing authority is the board, no hearing  
23 shall be held on the application for a supersedeas; however, a  
24 decision shall be made based on the application, answer and  
25 documentary evidence under this subsection. If the application  
26 for a supersedeas is for a license that has been revoked under  
27 section 481(c), the reviewing authority shall grant the  
28 supersedeas only if it finds that the licensee will likely  
29 prevail on the merits. No penalty provided by this section shall  
30 be imposed for any violations provided for in this act unless



1 the bureau notifies the licensee of its nature within thirty  
2 days of the completion of the investigation.

3 \* \* \*

4 Section 7. The act is amended by adding a section to read:

5 Section 476. Licensees Engaged in or Allowing Other  
6 Businesses on Licensed Premises.--(a) Unless the board approves  
7 a request submitted by a licensee to do so, a licensee is  
8 prohibited from conducting another business on its licensed  
9 premises, or having an interior connection between its licensed  
10 premises and another business operated by it or a third party.

11 (b) The board may approve a request for an interior  
12 connection to another business or the operation of another  
13 business on licensed premises under subsection (a) in its  
14 discretion. In determining whether to approve a request under  
15 subsection (a), the board shall consider all relevant evidence  
16 consistent with the provisions of this act. The board shall deny  
17 a request under subsection (a) if the operation of the other  
18 business on the licensed premises would be prohibited by law or  
19 if the proposed licensed premises does not meet all the  
20 requirements of this act and the board's regulations, exclusive  
21 of space devoted to the other business.

22 (c) All storage and sales of liquor and malt or brewed  
23 beverages shall occur on the licensed premises unless the  
24 licensee is authorized by another provision of this act to sell  
25 alcohol off the licensed premises.

26 (d) The board may not approve an inside passage or  
27 communication to or with a residence other than a residence of a  
28 licensee, its corporate officers, shareholders or manager.

29 (e) If the board approves an interior connection between a  
30 licensed business and another business, then apart from the

1 interior connection itself, the businesses must be separated by  
2 a permanent partition at least four feet in height. The  
3 partition may be a wall or any other structure, such as a  
4 railing or shelving, which prevents patrons from traversing  
5 between the businesses except through the approved interior  
6 connections. Each approved interior connection may not be  
7 greater than ten feet in width, absent another law that requires  
8 a greater width.

9 (f) Unless otherwise approved by the board, the licensed  
10 business and the other business shall have independent outside  
11 access for the public or independent access to a common area,  
12 such as an interior access in an enclosed mall.

13 (g) The board may only approve an interior connection under  
14 subsection (a) to a business that sells liquid fuels, so long as  
15 no liquid-fuels-related activity occurs on the licensed  
16 premises.

17 (h) Notwithstanding any other provisions of this section, a  
18 licensee that wishes to become a lottery sales agent may do so  
19 by simply notifying the board in writing of its designation. A  
20 lottery sales agent may engage in any activity on its licensed  
21 premises that is authorized by that designation.

22 (i) The board may approve an interior connection to another  
23 business regardless of the relative sizes of the licensed  
24 business and the other business.

25 (j) The board may not approve the operation of another  
26 business by the licensee or a third party if doing so provides a  
27 third party with a pecuniary interest in the licensed business  
28 or if the other business generates more income than the licensed  
29 business.

30 (k) The board may approve an interior connection to another

1 business regardless of the relative sizes of the licensed  
2 business and the other business.

3 (1) For purposes of this section, "other business" or  
4 "another business" is defined as business activity which is not  
5 directly related to the licensed business. The term includes the  
6 selling of foods in bulk for off-premises consumption, the  
7 selling of unprepared foods and the selling of nonfood items  
8 such as sold by grocery stores, convenience stores, department  
9 stores and supermarkets. The term does not include businesses  
10 and activity intrinsically related to the licensed business,  
11 such as the sale of prepared foods "to go," by a restaurant or  
12 eating place license, or the activities of a pro shop for a  
13 licensed business located on a golf course. Activity that would  
14 otherwise constitute "other business" or "another business" but  
15 which generates less than one thousand dollars (\$1,000) in gross  
16 income a year shall not require board approval.

17 Section 8. Nothing in this act shall be construed as  
18 invalidating the license of an entity already licensed by the  
19 Liquor Control Board and which already has received permission  
20 to either conduct another business on the premises or have an  
21 interior connection to another business, so long as the  
22 arrangement is in conformity with the act.

23 Section 9. This act shall take effect in 60 days.