

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2037 Session of
2015

INTRODUCED BY BULLOCK, KINSEY, MCCLINTON, THOMAS, D. COSTA,
YOUNGBLOOD, COHEN, ACOSTA AND DONATUCCI, MAY 3, 2016

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 3, 2016

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 preliminary provisions, further providing for definitions; in
18 Pennsylvania Liquor Control Board, further providing for
19 general powers of the board; and in licenses and regulations,
20 further providing for applications for hotel, restaurant and
21 club liquor licenses and for issuance, transfer or extension
22 of hotel, restaurant and club liquor licenses.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
26 No.21), known as the Liquor Code, reenacted and amended June 29,
27 1987 (P.L.32, No.14), is amended by adding a definition to read:

28 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the
2 meanings ascribed to them in this section:

3 * * *

4 "Elected official" shall mean an individual elected to a
5 State or local office and who represents an area in which an
6 establishment licensed under this act is located.

7 * * *

8 Section 2. Section 207 of the act is amended by adding a
9 subsection to read:

10 Section 207. General Powers of Board.--Under this act, the
11 board shall have the power and its duty shall be:

12 * * *

13 (1) Notwithstanding any other provision of law, to notify
14 each elected official by certified letter that an application
15 for a license in the area that the elected official represents
16 has been received. The notification under this subsection must
17 be made within fifteen days of receipt of the application for a
18 license.

19 Section 3. Section 403(g) of the act, amended December 9,
20 2002 (P.L.1653, No.212), is amended to read:

21 Section 403. Applications for Hotel, Restaurant and Club
22 Liquor Licenses.--* * *

23 (g) Every applicant for a new license or for the transfer of
24 an existing license shall post, for a period of at least thirty
25 days beginning with the day the application is filed with the
26 board, in a conspicuous place on the outside of the premises or
27 at the proposed new location for which the license is applied, a
28 notice of such application. If the applicant is seeking the
29 transfer of a license in which the previous license has not been
30 renewed, or as a result of provisions of a conditional license,

1 the previous licensee was required to transfer the license,
2 pursuant to section 404(a)(3), the applicant shall post such
3 notice for a period of at least forty-five days. The notice
4 shall indicate whether the applicant is applying for the
5 amusement permit required by section 493(10). The notice shall
6 be in such form, be of such size, and contain such provisions as
7 the board may require by its regulations. Proof of the posting
8 of such notice shall be filed with the board. The posting
9 requirement imposed by this subsection shall not apply to
10 license applications submitted for public venues.

11 * * *

12 Section 4. Section 404 of the act, amended January 6, 2006
13 (P.L.1, No.1), is amended to read:

14 Section 404. Issuance, Transfer or Extension of Hotel,
15 Restaurant and Club Liquor Licenses.--(a) Upon receipt of the
16 application and the proper fees, and upon being satisfied of the
17 truth of the statements in the application that the applicant is
18 the only person in any manner pecuniarily interested in the
19 business so asked to be licensed and that no other person will
20 be in any manner pecuniarily interested therein during the
21 continuance of the license, except as hereinafter permitted, and
22 that the applicant is a person of good repute, that the premises
23 applied for meet all the requirements of this act and the
24 regulations of the board, that the applicant seeks a license for
25 a hotel, restaurant or club, as defined in this act, and that
26 the issuance of such license is not prohibited by any of the
27 provisions of this act, the board shall, in the case of a hotel
28 or restaurant, grant and issue to the applicant a liquor
29 license, and in the case of a club may, in its discretion, issue
30 or refuse a license: Provided, however, That [in]:

1 (1) In the case of any new license or the transfer of any
2 license to a new location or the extension of an existing
3 license to cover an additional area the board may, in its
4 discretion, grant or refuse such new license, transfer or
5 extension if such place proposed to be licensed is within three
6 hundred feet of any church, hospital, charitable institution,
7 school, or public playground, or if such new license, transfer
8 or extension is applied for a place which is within two hundred
9 feet of any other premises which is licensed by the board: And
10 provided further, That the board's authority to refuse to grant
11 a license because of its proximity to a church, hospital,
12 charitable institution, public playground or other licensed
13 premises shall not be applicable to license applications
14 submitted for public venues or performing arts facilities: And
15 provided further, That the board shall refuse any application
16 for a new license, the transfer of any license to a new location
17 or the extension of an existing license to cover an additional
18 area if, in the board's opinion, such new license, transfer or
19 extension would be detrimental to the welfare, health, peace and
20 morals of the inhabitants of the neighborhood within a radius of
21 five hundred feet of the place proposed to be licensed[: And
22 provided further, That]. The board shall refuse any application
23 for a new license, the transfer of any license to a new location
24 or the extension of any license to cover an additional area
25 where the sale of liquid fuels or oil is conducted.

26 (2) In the case of any new license or the transfer of any
27 license to new ownership at the same location, the board shall
28 have the discretion to refuse a license to any person or to any
29 corporation, partnership or association if such person, or any
30 officer or director of such corporation, or any member or

1 partner of such partnership or association shall have been
2 convicted or found guilty of a felony within a period of five
3 years immediately preceding the date of application for the said
4 license. [The board shall refuse any application for a new
5 license, the transfer of any license to a new location or the
6 extension of any license to cover an additional area where the
7 sale of liquid fuels or oil is conducted.]

8 (3) In the case of the transfer of any license both to a new
9 location and to new ownership, the board may, in its discretion,
10 grant or refuse such transfer pursuant to the requirements set
11 forth in clauses (1) and (2). If a current license has not been
12 renewed, or as a result of provisions of a conditional license
13 agreement, the current licensee must transfer the license, the
14 license may be transferred and shall be considered a transfer to
15 both a new location and new ownership.

16 (b) The board may enter into an agreement with the applicant
17 concerning additional restrictions on the license in question.
18 If the board and the applicant enter into such an agreement,
19 such agreement shall be binding on the applicant. Failure by the
20 applicant to adhere to the agreement will be sufficient cause to
21 form the basis for a citation under section 471 and for the
22 nonrenewal of the license under section 470. If the board enters
23 into an agreement with an applicant concerning additional
24 restrictions, those restrictions shall be binding on subsequent
25 holders of the license until the license is transferred to a new
26 location or until the board enters into a subsequent agreement
27 removing those restrictions. If the application in question
28 involves a location previously licensed by the board, then any
29 restrictions imposed by the board on the previous license at
30 that location shall be binding on the applicant unless the board

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

15 Section 5. This act shall take effect in 60 days.