
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 513 Session of
2017

INTRODUCED BY BULLOCK, KINSEY, McCLINTON, MURT, J. HARRIS,
V. BROWN, NEILSON AND DONATUCCI, FEBRUARY 15, 2017

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 15, 2017

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 board; and, in licenses and regulations and
20 liquor, alcohol and malt and brewed beverages, further
21 providing for applications for hotel, restaurant and club
22 liquor licenses and for issuance, transfer or extension of
23 hotel, restaurant and club liquor licenses.

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

26 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
27 No.21), known as the Liquor Code, is amended by adding a
28 definition to read:

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

4 * * *

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

8 * * *

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

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

13 * * *

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

20 Section 3. Section 403(g) of the act 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 June 8, 2016
13 (P.L.273, No.39), 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
18 and management company or companies, if any, are the only
19 persons in any manner pecuniarily interested in the business so
20 asked to be licensed and that no other person will be in any
21 manner pecuniarily interested therein during the continuance of
22 the license, except as hereinafter permitted, and that the
23 applicant is a person of good repute, that the premises applied
24 for meet all the requirements of this act and the regulations of
25 the board, that the applicant seeks a license for a hotel,
26 restaurant or club, as defined in this act, and that the
27 issuance of such license is not prohibited by any of the
28 provisions of this act, the board shall, in the case of a hotel
29 or restaurant, grant and issue to the applicant a liquor
30 license, and in the case of a club may, in its discretion, issue

1 or refuse a license: Provided, however, That [in]:

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

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

1 officer or director of such corporation, or any member or
2 partner of such partnership or association shall have been
3 convicted or found guilty of a felony within a period of five
4 years immediately preceding the date of application for the said
5 license. [The board shall not license the area where liquid
6 fuels or oil is sold. No sales of liquid fuels or oil may be
7 made from a licensee's licensed premises. A licensed premises
8 may not have an interior connection with a location that sells
9 liquid fuels or oil unless it first receives permission from the
10 board for the interior connection. The approval shall be
11 required regardless of whether the licensee or another party is
12 the entity selling the liquid fuels or oil.]

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

21 (a.1) The board may enter into an agreement with the
22 applicant concerning additional restrictions on the license in
23 question. If the board and the applicant enter into such an
24 agreement, such agreement shall be binding on the applicant.
25 Failure by the applicant to adhere to the agreement will be
26 sufficient cause to form the basis for a citation under section
27 471 and for the nonrenewal of the license under section 470. If
28 the board enters into an agreement with an applicant concerning
29 additional restrictions, those restrictions shall be binding on
30 subsequent holders of the license until the license is

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

20 (b) If the applicant intends to use a management company to
21 operate, manage or supervise all or part of the operation of the
22 licensed premises, the licensee must file a written application
23 with the board on a form or forms as the board shall from time
24 to time prescribe. The application shall be accompanied by a fee
25 in an amount determined by the board. The board shall refuse the
26 application if the management company or any person involved
27 with the management company would be precluded from holding an
28 interest in the underlying license.

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