

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 868 Session of 2017

INTRODUCED BY KINSEY, DONATUCCI, D. COSTA, NEILSON, THOMAS,
BULLOCK, FITZGERALD, McCLINTON, RABB AND ROEBUCK,
MARCH 16, 2017

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 16, 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 licenses and regulations relating to liquor, alcohol and malt
18 and brewed beverages, further providing for applications for
19 hotel, restaurant and club liquor licenses.

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

22 Section 1. Section 403 of the act of April 12, 1951 (P.L.90,
23 No.21), known as the Liquor Code, is amended by adding a
24 subsection to read:

25 Section 403. Applications for Hotel, Restaurant and Club
26 Liquor Licenses.--* * *

1 (g.1) (1) Every licensee wishing to make substantial
2 changes to the licensed premises shall file a written
3 application with the board. Every such application shall contain
4 a description of the substantial changes to the licensed
5 premises and state such other material information, description
6 or plan of that part of the hotel, restaurant or club where it
7 is proposed to keep and sell liquor as may be required by the
8 regulations of the board. The descriptions, information and
9 plans shall show the hotel, restaurant, club and any alterations
10 proposed to be made thereto after the approval by the board of
11 the application for approval to make substantial changes to the
12 licensed premises.

13 (2) Upon receipt of the application, the board shall notify
14 the county and municipality in which the licensee is located.

15 (3) Every licensee who applies for approval to make
16 substantial changes to the licensed premises under paragraph (1)
17 shall post, for a period of at least thirty days beginning with
18 the day the application is filed with the board, in a
19 conspicuous place on the outside of the premises, a notice of
20 the application. The notice shall be in such form, be of such
21 size and contain such provisions as the board may require by
22 regulation. Proof of the posting of the notice shall be filed
23 with the board.

24 (4) The board shall conduct a hearing on any application for
25 approval to make substantial changes to the licensed premises
26 upon the request of any person with standing to testify under
27 paragraph (5) if the request is filed with the board within the
28 first fifteen days of posting of the notice of application
29 pursuant to paragraph (3). The board may provide for the holding
30 of such hearings by hearing examiners learned in the law, to be

1 appointed by the Governor, who shall not be subject to the act
2 of August 5, 1941 (P.L.752, No.286), known as the "Civil Service
3 Act." The hearing examiners shall make a report to the board in
4 each case with their recommendations.

5 (5) Where a hearing is held in the case of an application
6 for approval to make substantial changes to the licensed
7 premises, the board shall permit residents residing within a
8 radius of five hundred feet of the premises to testify at the
9 hearing. The board and any hearing examiner thereof shall give
10 appropriate evidentiary weight to any testimony of such
11 residents at the hearing.

12 (6) If no request for a hearing is made under paragraph (4),
13 the board shall approve the application for approval to make
14 substantial changes to the licensed premises. If a request for a
15 hearing is made under paragraph (4), the board shall consider
16 the testimony from the hearing and the recommendations of any
17 hearing examiners in deciding whether to approve the application
18 to make substantial changes to the licensed premises.

19 (7) The board shall promulgate regulations regarding the
20 following:

21 (i) Substantial changes to a licensed premises.

22 (ii) The form and content of the application for approval to
23 make substantial changes to the licensed premises.

24 (iii) A fee for the application for approval to make
25 substantial changes to the licensed premises.

26 (8) This subsection shall apply only to licensees located in
27 a county of the first class.

28 (9) Nothing in this subsection shall be construed to grant
29 standing to residents residing within five hundred (500) feet of
30 a public venue or performing arts facility.

1 (10) For purposes of this subsection, "substantial changes
2 to the licensed premises" means significant changes to the
3 physical interior or exterior of the licensed premises or to the
4 business model or business type used by the licensee.

5 * * *

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