
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1156 Session of
2017

INTRODUCED BY CEPHAS, KINSEY, BULLOCK, McCLINTON AND FITZGERALD,
APRIL 12, 2017

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 12, 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 and liquor, alcohol and malt and
18 brewed beverages, further providing for issuance, transfer or
19 extension of hotel, restaurant and club liquor 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, is amended by adding a
24 subsection to read:

25 Section 404. Issuance, Transfer or Extension of Hotel,
26 Restaurant and Club Liquor Licenses.--* * *

1 (c) If an application for a license under this section is
2 for a premises that has been licensed by the board and the
3 license was not renewed or the licensee committed three or more
4 penalty violations during any year before the licensee's
5 previous renewal, the board may not grant the application unless
6 the licensee comes before the board to address the reasons the
7 penalty violations were committed and the preventative measures
8 the licensee will take to ensure that penalty violations will
9 not happen in the future. A licensee who fails to meet the
10 requirements under this subsection shall receive a license
11 suspension of thirty (30) days. After the thirty-day license
12 suspension period, the board shall annually investigate the
13 licensee for the purpose of identifying violations under this
14 act or board regulations until the date when the board accepts
15 or denies the licensee's application or the licensee withdraws
16 the application. As used in this subsection, the term "penalty
17 violation" shall mean a violation of any of the following:

18 (1) Section 493(1), relating to sales to minors and visibly
19 intoxicated individuals.

20 (2) Section 493(10), relating to lewd, immoral or improper
21 entertainment.

22 (3) Section 493(14), relating to permitting undesirable
23 persons or minors to frequent premises.

24 (4) Section 493(16), relating to furnishing liquor at
25 unlawful hours.

26 (5) Section 493(21), relating to refusing inspection.

27 (6) Section 611, relating to public nuisances.

28 (7) The act of April 14, 1972 (P.L.233, No.64), known as
29 "The Controlled Substance, Drug, Device and Cosmetic Act,"
30 committed by the licensee or an agent of the licensee if the

1 violation occurs at the licensed premises.

2 (8) The provisions of 18 Pa.C.S. § 5902 (relating to
3 prostitution and related offenses) committed by the licensee or
4 an agent of the licensee if the violation occurs at the licensed
5 premises.

6 (9) The provisions of 18 Pa.C.S. § 6301 (relating to
7 corruption of minors) committed by the licensee or an agent of
8 the licensee if the violation occurs at the licensed premises.

9 (10) The provisions of 18 Pa.C.S. (relating to crimes and
10 offenses) if the violation is graded as a felony.

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