
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1048 Session of
2019

INTRODUCED BY KNOWLES, RYAN, SNYDER, QUINN, READSHAW, BERNSTINE,
KAUFFMAN, CIRESI, CAUSER, BARRAR, DUNBAR, MILLARD,
RAVENSTAHL, PICKETT, HILL-EVANS, MACKENZIE, CONKLIN,
F. KELLER, MURT, DeLUCA, JONES, DEASY, FARRY, SAINATO, KORTZ,
STAATS, O'MARA, GILLEN, MARSHALL, LAWRENCE, KRUEGER, ZABEL,
WENTLING, NESBIT, DELLOSO, SAPPEY, MALAGARI, CALTAGIRONE,
T. DAVIS, COX, McNEILL, MULLINS AND KULIK, APRIL 5, 2019

SENATOR STEFANO, LAW AND JUSTICE, IN SENATE, AS AMENDED,
MAY 11, 2020

AN ACT

1 ~~Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An <--~~
 2 ~~act relating to alcoholic liquors, alcohol and malt and~~
 3 ~~brewed beverages; amending, revising, consolidating and~~
 4 ~~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 for liquor, alcohol and malt and~~
 18 ~~brewed beverages, further providing for sale of malt or~~
 19 ~~brewed beverages by liquor licensees.~~
 20 AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED "AN <--
 21 ACT RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND
 22 BREWED BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND
 23 CHANGING THE LAWS RELATING THERETO; REGULATING AND
 24 RESTRICTING THE MANUFACTURE, PURCHASE, SALE, POSSESSION,
 25 CONSUMPTION, IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING
 26 IN BOND, HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC
 27 LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES AND THE

1 PERSONS ENGAGED OR EMPLOYED THEREIN; DEFINING THE POWERS AND
2 DUTIES OF THE PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING
3 FOR THE ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES,
4 FOR THE PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE
5 MUNICIPALITIES AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN
6 NUISANCES AND, IN CERTAIN CASES, FOR SEARCH AND SEIZURE
7 WITHOUT WARRANT; PRESCRIBING PENALTIES AND FORFEITURES;
8 PROVIDING FOR LOCAL OPTION, AND REPEALING EXISTING LAWS," IN
9 LICENSES AND REGULATIONS FOR LIQUOR, ALCOHOL AND MALT AND
10 BREWED BEVERAGES, FURTHER PROVIDING FOR RENEWAL OF LICENSES
11 AND TEMPORARY PROVISIONS FOR LICENSEES IN ARMED SERVICE.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 407 of the act of April 12, 1951 (P.L.90, <--~~
15 ~~No.21), known as the Liquor Code, is amended by adding a~~
16 ~~subsection to read:~~

17 ~~Section 407. Sale of Malt or Brewed Beverages by Liquor~~
18 ~~Licensees. * * *~~

19 ~~(c) Notwithstanding any other provision of law, an~~
20 ~~application for renewal or validation of a license under the~~
21 ~~provisions of this article to a national veterans' organization~~
22 ~~or a volunteer fire company shall not be subject to the~~
23 ~~application surcharge.~~

24 ~~Section 2. This act shall take effect in 60 days.~~

25 SECTION 1. SECTION 470 (A) OF THE ACT OF APRIL 12, 1951 <--
26 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED TO READ:

27 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
28 LICENSEES IN ARMED SERVICE.-- (A) (1) ALL APPLICATIONS FOR
29 VALIDATION OR RENEWAL OF LICENSES UNDER THE PROVISIONS OF THIS
30 ARTICLE SHALL BE FILED AT LEAST SIXTY DAYS BEFORE THE EXPIRATION
31 DATE OF SAME, ALONG WITH TAX CLEARANCE FROM THE DEPARTMENT OF
32 REVENUE AND THE DEPARTMENT OF LABOR AND INDUSTRY [AND], THE
33 REQUISITE LICENSE AND FILING FEES, AND, EXCEPT AS PROVIDED UNDER
34 PARAGRAPH (2), SHALL INCLUDE AN APPLICATION SURCHARGE OF SEVEN
35 HUNDRED DOLLARS (\$700.00) [, AT LEAST SIXTY DAYS BEFORE THE

1 EXPIRATION DATE OF SAME]: PROVIDED, HOWEVER, THAT THE BOARD, IN
2 ITS DISCRETION, MAY ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION
3 FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE
4 LICENSE WITH THE REQUIRED FEES, UPON REASONABLE CAUSE SHOWN AND
5 THE PAYMENT OF AN ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS
6 (\$100.00) FOR LATE FILING: AND PROVIDED FURTHER, THAT EXCEPT
7 WHERE THE FAILURE TO FILE A RENEWAL APPLICATION ON OR BEFORE THE
8 EXPIRATION DATE HAS CREATED A LICENSE QUOTA VACANCY AFTER SAID
9 EXPIRATION DATE WHICH HAS BEEN FILLED BY THE ISSUANCE OF A NEW
10 LICENSE, AFTER SUCH EXPIRATION DATE, BUT BEFORE THE BOARD HAS
11 RECEIVED A RENEWAL APPLICATION NUNC PRO TUNC WITHIN THE TIME
12 PRESCRIBED HEREIN THE BOARD, IN ITS DISCRETION, MAY, AFTER
13 HEARING, ACCEPT A RENEWAL APPLICATION FILED WITHIN TWO YEARS
14 AFTER THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED FEES
15 UPON THE PAYMENT OF AN ADDITIONAL FILING FEE OF TWO HUNDRED
16 FIFTY DOLLARS (\$250.00) FOR LATE FILING. WHERE ANY SUCH RENEWAL
17 APPLICATION IS FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION
18 DATE, OR SUBSEQUENT TO THE EXPIRATION DATE, NO LICENSE SHALL
19 ISSUE UPON THE FILING OF THE RENEWAL APPLICATION UNTIL THE
20 MATTER IS FINALLY DETERMINED BY THE BOARD AND IF AN APPEAL IS
21 TAKEN FROM THE BOARD'S ACTION THE COURTS SHALL NOT ORDER THE
22 ISSUANCE OF THE RENEWAL LICENSE UNTIL FINAL DETERMINATION OF THE
23 MATTER BY THE COURTS. THE BOARD MAY ENTER INTO AN AGREEMENT WITH
24 THE APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE
25 IN QUESTION. IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN
26 AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT.
27 FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT WILL BE
28 SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER SECTION
29 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER THIS SECTION. A
30 RENEWAL APPLICATION WILL NOT BE CONSIDERED FILED UNLESS

1 ACCOMPANIED BY THE REQUISITE FILING AND LICENSE FEES AND ANY
2 ADDITIONAL FILING FEE REQUIRED BY THIS SECTION. UNLESS THE BOARD
3 SHALL HAVE GIVEN TEN DAYS' PREVIOUS NOTICE TO THE APPLICANT OF
4 OBJECTIONS TO THE RENEWAL OF HIS LICENSE, BASED UPON VIOLATION
5 BY THE LICENSEE OR HIS SERVANTS, AGENTS OR EMPLOYEES OF ANY OF
6 THE LAWS OF THE COMMONWEALTH OR REGULATIONS OF THE BOARD
7 RELATING TO THE MANUFACTURE, TRANSPORTATION, USE, STORAGE,
8 IMPORTATION, POSSESSION OR SALE OF LIQUORS, ALCOHOL OR MALT OR
9 BREWED BEVERAGES, OR THE CONDUCT OF A LICENSED ESTABLISHMENT, OR
10 UNLESS THE APPLICANT HAS BY HIS OWN ACT BECOME A PERSON OF ILL
11 REPUTE, OR UNLESS THE PREMISES DO NOT MEET THE REQUIREMENTS OF
12 THIS ACT OR THE REGULATIONS OF THE BOARD, THE LICENSE OF A
13 LICENSEE SHALL BE RENEWED. NOTWITHSTANDING ANY OTHER PROVISION
14 OF THIS ACT, A NOISE VIOLATION SHALL NOT BE THE SOLE BASIS FOR
15 OBJECTION BY THE BOARD TO THE RENEWAL OF A LICENSE UNLESS THE
16 LICENSEE HAS RECEIVED SIX PRIOR ADJUDICATED NOISE CITATIONS
17 WITHIN A TWENTY-FOUR-MONTH PERIOD.

18 (2) AN APPLICATION FOR VALIDATION OR RENEWAL OF A
19 RESTAURANT, CLUB OR CATERING CLUB LICENSE HELD BY A VOLUNTEER
20 FIRE COMPANY, INCORPORATED UNIT OF A NATIONAL VETERANS'
21 ORGANIZATION OR AN AFFILIATED ORGANIZATION OF AN INCORPORATED
22 UNIT OF A NATIONAL VETERANS' ORGANIZATION, AFFILIATED
23 ORGANIZATION OF AN INCORPORATED UNIT OF A NATIONAL VETERANS'
24 ORGANIZATION OR AFFILIATED ORGANIZATION OF A NATIONAL VETERANS'
25 ASSOCIATION SHALL NOT BE SUBJECT TO THE SEVEN HUNDRED DOLLAR
26 (\$700.00) SURCHARGE UNDER PARAGRAPH (1).

27 * * *

28 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.