
 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, KULIK AND IRVIN,
APRIL 5, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 27, 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 ISSUANCE, TRANSFER OR <--
11 EXTENSION OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSES, FOR
12 SALE OF MALT OR BREWED BEVERAGES BY LIQUOR LICENSEES, FOR
13 WINE EXPANDED PERMITS, FOR MALT AND BREWED BEVERAGES
14 MANUFACTURERS', DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
15 LICENSES, FOR MALT AND BREWED BEVERAGES RETAIL LICENSES, FOR
16 RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES AND SALES AND
17 FOR RENEWAL OF LICENSES AND TEMPORARY PROVISIONS FOR
18 LICENSEES IN ARMED SERVICE.

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

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

24 ~~Section 407. Sale of Malt or Brewed Beverages by Liquor~~
25 ~~Licensees. * * *~~

26 ~~(c) Notwithstanding any other provision of law, an~~
27 ~~application for renewal or validation of a license under the~~
28 ~~provisions of this article to a national veterans' organization~~
29 ~~or a volunteer fire company shall not be subject to the~~
30 ~~application surcharge.~~

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

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

34 ~~SECTION 1. SECTIONS 404(A) AND 407(A) OF THE ACT OF APRIL <--~~
35 ~~12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, ARE AMENDED~~
36 ~~TO READ:~~

37 ~~SECTION 404. ISSUANCE, TRANSFER OR EXTENSION OF HOTEL,~~
38 ~~RESTAURANT AND CLUB LIQUOR LICENSES.-- (A) UPON RECEIPT OF THE~~
39 ~~APPLICATION AND THE PROPER FEES, AND UPON BEING SATISFIED OF THE~~

1 TRUTH OF THE STATEMENTS IN THE APPLICATION THAT THE APPLICANT
2 AND MANAGEMENT COMPANY OR COMPANIES, IF ANY, ARE THE ONLY
3 PERSONS IN ANY MANNER PECUNIARILY INTERESTED IN THE BUSINESS SO
4 ASKED TO BE LICENSED AND THAT NO OTHER PERSON WILL BE IN ANY
5 MANNER PECUNIARILY INTERESTED THEREIN DURING THE CONTINUANCE OF
6 THE LICENSE, EXCEPT AS HEREINAFTER PERMITTED, AND THAT THE
7 APPLICANT IS A PERSON OF GOOD REPUTE, THAT THE PREMISES APPLIED
8 FOR MEET ALL THE REQUIREMENTS OF THIS ACT AND THE REGULATIONS OF
9 THE BOARD, THAT THE APPLICANT SEEKS A LICENSE FOR A HOTEL,
10 RESTAURANT OR CLUB, AS DEFINED IN THIS ACT, AND THAT THE
11 ISSUANCE OF SUCH LICENSE IS NOT PROHIBITED BY ANY OF THE
12 PROVISIONS OF THIS ACT, THE BOARD SHALL, IN THE CASE OF A HOTEL
13 OR RESTAURANT, GRANT AND ISSUE TO THE APPLICANT A LIQUOR
14 LICENSE, AND IN THE CASE OF A CLUB MAY, IN ITS DISCRETION, ISSUE
15 OR REFUSE A LICENSE: PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
16 NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION OR
17 THE EXTENSION OF AN EXISTING LICENSE TO COVER AN ADDITIONAL AREA
18 THE BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW
19 LICENSE, TRANSFER OR EXTENSION IF SUCH PLACE PROPOSED TO BE
20 LICENSED IS WITHIN THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL,
21 CHARITABLE INSTITUTION, SCHOOL, OR PUBLIC PLAYGROUND, OR IF SUCH
22 NEW LICENSE, TRANSFER OR EXTENSION IS APPLIED FOR A PLACE WHICH
23 IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES WHICH IS
24 LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE BOARD'S
25 AUTHORITY TO REFUSE TO GRANT A LICENSE BECAUSE OF ITS PROXIMITY
26 TO A CHURCH, HOSPITAL, CHARITABLE INSTITUTION, PUBLIC PLAYGROUND
27 OR OTHER LICENSED PREMISES SHALL NOT BE APPLICABLE TO LICENSE
28 APPLICATIONS SUBMITTED FOR PUBLIC VENUES OR PERFORMING ARTS
29 FACILITIES: AND PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE
30 ANY APPLICATION FOR A NEW LICENSE, THE TRANSFER OF ANY LICENSE

1 TO A NEW LOCATION OR THE EXTENSION OF AN EXISTING LICENSE TO
2 COVER AN ADDITIONAL AREA IF, IN THE BOARD'S OPINION, SUCH NEW
3 LICENSE, TRANSFER OR EXTENSION WOULD BE DETRIMENTAL TO THE
4 WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE
5 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
6 PROPOSED TO BE LICENSED: AND PROVIDED FURTHER, THAT THE BOARD
7 SHALL HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR
8 TO ANY CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON,
9 OR ANY OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
10 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
11 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
12 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
13 LICENSE. [THE BOARD SHALL NOT LICENSE THE AREA WHERE LIQUID
14 FUELS OR OIL IS SOLD. NO SALES OF LIQUID FUELS OR OIL MAY BE
15 MADE FROM A LICENSEE'S LICENSED PREMISES. A LICENSED PREMISES
16 MAY NOT HAVE AN INTERIOR CONNECTION WITH A LOCATION THAT SELLS
17 LIQUID FUELS OR OIL UNLESS IT FIRST RECEIVES PERMISSION FROM THE
18 BOARD FOR THE INTERIOR CONNECTION. THE APPROVAL SHALL BE
19 REQUIRED REGARDLESS OF WHETHER THE LICENSEE OR ANOTHER PARTY IS
20 THE ENTITY SELLING THE LIQUID FUELS OR OIL.] THE BOARD MAY ENTER
21 INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
22 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
23 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE
24 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
25 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
26 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
27 UNDER SECTION 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN
28 APPLICANT CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS
29 SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE
30 LICENSE IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD

1 ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS.
2 IF THE APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY
3 LICENSED BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE
4 BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING
5 ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
6 RESCINDING THOSE RESTRICTIONS. THE BOARD MAY, IN ITS DISCRETION,
7 REFUSE AN APPLICATION FOR AN ECONOMIC DEVELOPMENT LICENSE UNDER
8 SECTION 461(B.1) OR AN APPLICATION FOR AN INTERMUNICIPAL
9 TRANSFER OF A LICENSE IF THE BOARD RECEIVES A PROTEST FROM THE
10 GOVERNING BODY OF THE RECEIVING MUNICIPALITY. THE RECEIVING
11 MUNICIPALITY OF AN INTERMUNICIPAL TRANSFER OR AN ECONOMIC
12 DEVELOPMENT LICENSE UNDER SECTION 461(B.1) MAY FILE A PROTEST
13 AGAINST THE TRANSFER OF A LICENSE INTO ITS MUNICIPALITY, AND THE
14 RECEIVING MUNICIPALITY SHALL HAVE STANDING IN A HEARING TO
15 PRESENT TESTIMONY IN SUPPORT OF OR AGAINST THE ISSUANCE OR
16 TRANSFER OF A LICENSE. UPON ANY OPENING IN ANY QUOTA, AN
17 APPLICATION FOR A NEW LICENSE SHALL ONLY BE FILED WITH THE BOARD
18 FOR A PERIOD OF SIX MONTHS FOLLOWING SAID OPENING.

19 * * *

20 SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR
21 LICENSEES.--(A) (1) EVERY LIQUOR LICENSE ISSUED TO A HOTEL,
22 RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY
23 UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL
24 AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE
25 SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES
26 AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN
27 CLUBS MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE
28 PREMISES WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED
29 NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON. THE
30 SALES MAY BE MADE IN EITHER OPEN OR CLOSED CONTAINERS, PROVIDED,

1 HOWEVER, THAT A MUNICIPALITY MAY ADOPT AN ORDINANCE RESTRICTING
2 OPEN CONTAINERS IN PUBLIC PLACES. NO LICENSEE UNDER THIS
3 SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY
4 OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE
5 AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES ONLY. SALES OF
6 MALT OR BREWED BEVERAGES MUST OCCUR ON THE LICENSED PREMISES.

7 (2) IF A RESTAURANT LIQUOR LICENSE HOLDER HAS AN INTERIOR
8 CONNECTION TO ANOTHER BUSINESS THAT IT OPERATES, THE RESTAURANT
9 LIQUOR LICENSE HOLDER MAY USE ONE OR MORE OF THE REGISTERS IN
10 THE OTHER BUSINESS TO SELL MALT OR BREWED BEVERAGES FOR OFF-
11 PREMISES CONSUMPTION UNDER THE FOLLOWING CONDITIONS:

12 (I) THE BUILDING IS ELEVEN THOUSAND (11,000) SQUARE FEET OR
13 LESS;

14 (II) THE REGISTERS ARE LOCATED IN THE SAME BUILDING AS THE
15 LICENSED PREMISES;

16 (III) THE REGISTERS COMPLY WITH THE SIGNAGE, STAFFING,
17 TRAINING, CARDING, SCANNING AND PROHIBITION ON THE SHARING OF
18 DATA PROVISIONS OF SECTION 415 (A) (8) AND (9); AND

19 (IV) THE BOARD HAS BEEN PROVIDED NOTICE OF COMPLIANCE WITH
20 THIS PARAGRAPH BY THE RESTAURANT LIQUOR LICENSE HOLDER,
21 INCLUDING SQUARE FOOTAGE OF THE BUILDING AND THE LOCATION OF THE
22 SPECIFIC REGISTERS TO BE USED PRIOR TO THEIR USE.

23 (3) THE REGISTERS USED UNDER PARAGRAPH (2) SHALL BE DEEMED
24 TO BE LICENSED AREAS BUT NO FORMAL APPLICATION BEYOND NOTICE TO
25 THE BOARD SHALL BE REQUIRED. THE REGISTERS MAY BE USED BY THE
26 OTHER BUSINESS.

27 * * *

28 SECTION 2. SECTION 415 (A) (9) OF THE ACT IS AMENDED AND THE
29 SUBSECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

30 SECTION 415. WINE EXPANDED PERMITS.-- (A) * * *

1 (9) A SALE OF WINE BY A WINE EXPANDED PERMIT HOLDER SHALL BE
2 MADE THROUGH A REGISTER, WHICH MALT OR BREWED BEVERAGES AND
3 RESTAURANT FOODS SALES ARE MADE ON THE LICENSED PREMISES, WHICH
4 IS WELL DESIGNATED WITH SIGNAGE, WHICH IS STAFFED AT ALL TIMES
5 WHEN PATRONS ARE ON THE LICENSED PREMISES[, WHICH IS STAFFED].
6 THE ACTUAL SALE SHALL BE CONDUCTED BY A SALES CLERK WHO IS AT
7 LEAST EIGHTEEN YEARS OF AGE AND HAS BEEN TRAINED UNDER SECTION
8 471.1 AND WHICH UTILIZES A TRANSACTION SCAN DEVICE FOR THE SALE
9 AS SET FORTH IN PARAGRAPH (8). THE SALE OF WINE MAY NOT OCCUR AT
10 A POINT OF SALE WHERE THE CUSTOMER SCANS THE CUSTOMER'S OWN
11 PURCHASES. SALES OF WINE MUST OCCUR ON THE LICENSED PREMISES.

12 (10) IF A WINE EXPANDED PERMIT HOLDER HAS AN INTERIOR
13 CONNECTION TO ANOTHER BUSINESS THAT IT OPERATES, THE WINE
14 EXPANDED PERMIT HOLDER MAY USE ONE OR MORE OF THE REGISTERS IN
15 THE OTHER BUSINESS TO SELL WINE FOR OFF-PREMISES CONSUMPTION
16 UNDER THE FOLLOWING CONDITIONS:

17 (I) THE BUILDING IS ELEVEN THOUSAND (11,000) SQUARE FEET OR
18 LESS;

19 (II) THE REGISTERS ARE LOCATED IN THE SAME BUILDING AS THE
20 LICENSED PREMISES;

21 (III) THE REGISTERS COMPLY WITH THE SIGNAGE, STAFFING,
22 TRAINING, CARDING, SCANNING AND PROHIBITION ON THE SHARING OF
23 DATA PROVISIONS OF PARAGRAPHS (8) AND (9); AND

24 (IV) THE BOARD HAS BEEN PROVIDED NOTICE OF COMPLIANCE WITH
25 THIS PARAGRAPH BY THE WINE EXPANDED PERMIT HOLDER, INCLUDING
26 SQUARE FOOTAGE OF THE BUILDING AND THE LOCATION OF THE SPECIFIC
27 REGISTERS TO BE USED PRIOR TO THEIR USE.

28 (11) THE REGISTERS USED UNDER PARAGRAPH (10) SHALL BE DEEMED
29 TO BE LICENSED AREAS BUT NO FORMAL APPLICATION BEYOND NOTICE TO
30 THE BOARD SHALL BE REQUIRED. THE REGISTERS MAY BE USED BY THE

1 OTHER BUSINESS.

2 * * *

3 SECTION 3. SECTIONS 431(B), 432(D), 442(A) AND 470(A) OF THE
4 ACT ARE AMENDED TO READ:

5 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
6 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

7 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
8 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
9 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
10 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
11 OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES
12 WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR
13 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
14 OR MORE WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET
15 BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. IN ADDITION, A
16 DISTRIBUTOR LICENSE HOLDER MAY SELL MALT OR BREWED BEVERAGES IN
17 ANY AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-
18 PREMISES CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN
19 THE PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY
20 BE SOLD IN REFILLABLE GROWLERS. THE BOARD SHALL HAVE THE
21 DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
22 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
23 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
24 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
25 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
26 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
27 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
28 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
29 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
30 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN

1 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
2 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE
3 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
4 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
5 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
6 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
7 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
8 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
9 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
10 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. [THE
11 BOARD SHALL NOT LICENSE THE AREA WHERE LIQUID FUELS OR OIL IS
12 SOLD. NO SALES OF LIQUID FUELS OR OIL MAY BE MADE FROM A
13 LICENSEE'S LICENSED PREMISES. A LICENSED PREMISES MAY NOT HAVE
14 AN INTERIOR CONNECTION WITH A LOCATION THAT SELLS LIQUID FUELS
15 OR OIL UNLESS IT FIRST RECEIVES PERMISSION FROM THE BOARD FOR
16 THE INTERIOR CONNECTION. THE APPROVAL SHALL BE REQUIRED
17 REGARDLESS OF WHETHER THE LICENSEE OR ANOTHER PARTY IS THE
18 ENTITY SELLING THE LIQUID FUELS OR OIL.] THE BOARD MAY ENTER
19 INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL
20 RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD AND THE
21 APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE
22 BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO ADHERE TO
23 THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A
24 CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE
25 UNDER SECTION 470. IF THE BOARD ENTERS INTO AN AGREEMENT WITH AN
26 APPLICANT CONCERNING ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS
27 SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE
28 LICENSE IS TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD
29 ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS.
30 IF THE APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY

1 LICENSED BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE
2 BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING
3 ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
4 RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL REQUIRE NOTICE TO
5 BE POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR
6 PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED
7 BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED
8 OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

9 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
10 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
11 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
12 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
13 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
14 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
15 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
16 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
17 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
18 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
19 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
20 AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES OWNED
21 BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
22 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
23 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND
24 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
25 BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED
26 HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE
27 A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING
28 OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY
29 A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
30 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES

1 PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO
2 IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN
3 DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS
4 OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS
5 COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE
6 FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL
7 BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY
8 RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE
9 FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP
10 COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY,
11 RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED
12 AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE
13 PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT,
14 DURING NORMAL BUSINESS HOURS.

15 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
16 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
17 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
18 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
19 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
20 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
21 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
22 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
23 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
24 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
25 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO ANY LICENSEE
26 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
27 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
28 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
29 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
30 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS

1 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THEN
2 THE MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT
3 LICENSED PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL
4 AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE
5 IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO
6 THE DISTRIBUTOR. SHOULD A LICENSEE ACCEPT THE DELIVERY OF MALT
7 OR BREWED BEVERAGES OR TRANSFER MALT OR BREWED BEVERAGES IN
8 VIOLATION OF THIS SECTION, SAID LICENSEE SHALL BE SUBJECT TO A
9 SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS: PROVIDED,
10 THAT THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS
11 FOR SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER
12 IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A
13 WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR
14 SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS
15 ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY
16 IMPORTING DISTRIBUTOR BY THE MANUFACTURER.

17 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
18 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
19 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
20 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
21 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
22 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
23 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
24 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
25 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
26 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
27 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
28 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
29 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO A LICENSEE
30 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED

1 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
2 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
3 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
4 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS
5 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THE
6 MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT LICENSED
7 PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED
8 TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR
9 THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR. IF A
10 LICENSEE ACCEPTS THE DELIVERY OF MALT OR BREWED BEVERAGES OR
11 TRANSFERS MALT OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION,
12 THE LICENSEE SHALL BE SUBJECT TO SUSPENSION OF HIS LICENSE FOR
13 AT LEAST THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR
14 HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL
15 OR DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT
16 FIRST HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID
17 SECONDARY IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND
18 CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE
19 TERRITORY GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
20 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
21 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
22 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
23 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
24 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
25 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
26 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
27 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
28 AFFECTED.

29 * * *

30 SECTION 432. MALT AND BREWED BEVERAGES RETAIL LICENSES.--* *

1 *

2 (D) THE BOARD SHALL, IN ITS DISCRETION, GRANT OR REFUSE ANY
3 NEW LICENSE, THE TRANSFER OF ANY LICENSE TO A NEW LOCATION OR
4 THE EXTENSION OF AN EXISTING LICENSE TO COVER AN ADDITIONAL AREA
5 IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED
6 FEET OF ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL, OR
7 PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE, TRANSFER OR EXTENSION
8 IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY
9 OTHER PREMISES WHICH IS LICENSED BY THE BOARD. THE BOARD SHALL
10 REFUSE ANY APPLICATION FOR A NEW LICENSE, THE TRANSFER OF ANY
11 LICENSE TO A NEW LOCATION OR THE EXTENSION OF AN EXISTING
12 LICENSE TO COVER AN ADDITIONAL AREA IF, IN THE BOARD'S OPINION,
13 SUCH NEW LICENSE, TRANSFER OR EXTENSION WOULD BE DETRIMENTAL TO
14 THE WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE
15 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
16 TO BE LICENSED. THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE
17 APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE IN
18 QUESTION. IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN
19 AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT.
20 FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT WILL BE
21 SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER SECTION
22 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER SECTION 470. IF
23 THE BOARD ENTERS INTO AN AGREEMENT WITH AN APPLICANT CONCERNING
24 ADDITIONAL RESTRICTIONS, THOSE RESTRICTIONS SHALL BE BINDING ON
25 SUBSEQUENT HOLDERS OF THE LICENSE UNTIL THE LICENSE IS
26 TRANSFERRED TO A NEW LOCATION OR UNTIL THE BOARD ENTERS INTO A
27 SUBSEQUENT AGREEMENT REMOVING THOSE RESTRICTIONS. IF THE
28 APPLICATION IN QUESTION INVOLVES A LOCATION PREVIOUSLY LICENSED
29 BY THE BOARD, THEN ANY RESTRICTIONS IMPOSED BY THE BOARD ON THE
30 PREVIOUS LICENSE AT THAT LOCATION SHALL BE BINDING ON THE

1 APPLICANT UNLESS THE BOARD ENTERS INTO A NEW AGREEMENT
2 RESCINDING THOSE RESTRICTIONS. [THE BOARD SHALL NOT LICENSE THE
3 AREA WHERE LIQUID FUELS OR OIL IS SOLD. NO SALES OF LIQUID FUELS
4 OR OIL MAY BE MADE FROM A LICENSEE'S LICENSED PREMISES. A
5 LICENSED PREMISES MAY NOT HAVE AN INTERIOR CONNECTION WITH A
6 LOCATION THAT SELLS LIQUID FUELS OR OIL UNLESS IT FIRST RECEIVES
7 PERMISSION FROM THE BOARD FOR THE INTERIOR CONNECTION. THE
8 APPROVAL SHALL BE REQUIRED REGARDLESS OF WHETHER THE LICENSEE OR
9 ANOTHER PARTY IS THE ENTITY SELLING THE LIQUID FUELS OR OIL: AND
10 PROVIDED FURTHER, THAT THE] THE BOARD SHALL HAVE THE DISCRETION
11 TO REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,
12 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR
13 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH
14 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND
15 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY
16 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE. THE
17 BOARD MAY, IN ITS DISCRETION, REFUSE AN APPLICATION FOR AN
18 ECONOMIC DEVELOPMENT LICENSE UNDER SECTION 461(B.1) OR AN
19 APPLICATION FOR AN INTERMUNICIPAL TRANSFER OR A LICENSE IF THE
20 BOARD RECEIVES A PROTEST FROM THE GOVERNING BODY OF THE
21 RECEIVING MUNICIPALITY. THE RECEIVING MUNICIPALITY OF AN
22 INTERMUNICIPAL TRANSFER OR AN ECONOMIC DEVELOPMENT LICENSE UNDER
23 SECTION 461(B.1) MAY FILE A PROTEST AGAINST THE APPROVAL FOR
24 ISSUANCE OF A LICENSE FOR ECONOMIC DEVELOPMENT OR AN
25 INTERMUNICIPAL TRANSFER OF A LICENSE INTO ITS MUNICIPALITY, AND
26 SUCH MUNICIPALITY SHALL HAVE STANDING IN A HEARING TO PRESENT
27 TESTIMONY IN SUPPORT OF OR AGAINST THE ISSUANCE OR TRANSFER OF A
28 LICENSE. UPON ANY OPENING IN ANY QUOTA, AN APPLICATION FOR A NEW
29 LICENSE SHALL ONLY BE FILED WITH THE BOARD FOR A PERIOD OF SIX
30 MONTHS FOLLOWING SAID OPENING.

1 * * *

2 SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
3 AND SALES.-- (A) (1) (I) NO RETAIL DISPENSER SHALL PURCHASE OR
4 RECEIVE ANY MALT OR BREWED BEVERAGES EXCEPT IN ORIGINAL
5 CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE
6 PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK
7 THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE
8 SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED. NO
9 RETAIL DISPENSER MAY SELL MALT OR BREWED BEVERAGES FOR
10 CONSUMPTION OFF THE PREMISES IN QUANTITIES IN EXCESS OF ONE
11 HUNDRED NINETY-TWO FLUID OUNCES. SALES MAY BE MADE IN OPEN OR
12 CLOSED CONTAINERS, PROVIDED, HOWEVER, THAT A MUNICIPALITY MAY
13 ADOPT AN ORDINANCE RESTRICTING OPEN CONTAINERS IN PUBLIC PLACES.
14 NO CLUB LICENSEE MAY SELL ANY MALT OR BREWED BEVERAGES FOR
15 CONSUMPTION OFF THE PREMISES WHERE SOLD OR TO PERSONS NOT
16 MEMBERS OF THE CLUB. SALES OF MALT OR BREWED BEVERAGES MUST
17 OCCUR ON THE LICENSED PREMISES.

18 (II) IF A RETAIL DISPENSER LICENSE HOLDER HAS AN INTERIOR
19 CONNECTION TO ANOTHER BUSINESS THAT IT OPERATES, THE RETAIL
20 DISPENSER LICENSE HOLDER MAY USE ONE OR MORE OF THE REGISTERS IN
21 THE OTHER BUSINESS TO SELL MALT OR BREWED BEVERAGES FOR OFF-
22 PREMISES CONSUMPTION UNDER THE FOLLOWING CONDITIONS:

23 (A) THE BUILDING IS ELEVEN THOUSAND (11,000) SQUARE FEET OR
24 LESS;

25 (B) THE REGISTERS ARE LOCATED IN THE SAME BUILDING AS THE
26 LICENSED PREMISES;

27 (C) THE REGISTERS COMPLY WITH THE SIGNAGE, STAFFING,
28 TRAINING, CARDING, SCANNING AND PROHIBITION ON THE SHARING OF
29 DATA PROVISIONS OF SECTION 415 (A) (8) AND (9); AND

30 (D) THE BOARD HAS BEEN PROVIDED NOTICE OF COMPLIANCE WITH

1 THIS SUBPARAGRAPH BY THE RETAIL DISPENSER LICENSE HOLDER,
2 INCLUDING SQUARE FOOTAGE OF THE BUILDING AND THE LOCATION OF THE
3 SPECIFIC REGISTERS TO BE USED PRIOR TO THEIR USE.

4 (III) THE REGISTERS USED UNDER SUBPARAGRAPH (II) SHALL BE
5 DEEMED TO BE LICENSED AREAS BUT NO FORMAL APPLICATION BEYOND
6 NOTICE TO THE BOARD SHALL BE REQUIRED. THE REGISTERS MAY BE USED
7 BY THE OTHER BUSINESS.

8 * * *

9 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
10 LICENSEES IN ARMED SERVICE.--(A) (1) ALL APPLICATIONS FOR
11 VALIDATION OR RENEWAL OF LICENSES UNDER THE PROVISIONS OF THIS
12 ARTICLE SHALL BE FILED AT LEAST SIXTY DAYS BEFORE THE EXPIRATION
13 DATE OF SAME, ALONG WITH TAX CLEARANCE FROM THE DEPARTMENT OF
14 REVENUE AND THE DEPARTMENT OF LABOR AND INDUSTRY [AND], THE
15 REQUISITE LICENSE AND FILING FEES, AND, EXCEPT AS PROVIDED UNDER
16 PARAGRAPH (2), SHALL INCLUDE AN APPLICATION SURCHARGE OF SEVEN
17 HUNDRED DOLLARS (\$700.00) [, AT LEAST SIXTY DAYS BEFORE THE
18 EXPIRATION DATE OF SAME]: PROVIDED, HOWEVER, THAT THE BOARD, IN
19 ITS DISCRETION, MAY ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION
20 FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE
21 LICENSE WITH THE REQUIRED FEES, UPON REASONABLE CAUSE SHOWN AND
22 THE PAYMENT OF AN ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS
23 (\$100.00) FOR LATE FILING: AND PROVIDED FURTHER, THAT EXCEPT
24 WHERE THE FAILURE TO FILE A RENEWAL APPLICATION ON OR BEFORE THE
25 EXPIRATION DATE HAS CREATED A LICENSE QUOTA VACANCY AFTER SAID
26 EXPIRATION DATE WHICH HAS BEEN FILLED BY THE ISSUANCE OF A NEW
27 LICENSE, AFTER SUCH EXPIRATION DATE, BUT BEFORE THE BOARD HAS
28 RECEIVED A RENEWAL APPLICATION NUNC PRO TUNC WITHIN THE TIME
29 PRESCRIBED HEREIN THE BOARD, IN ITS DISCRETION, MAY, AFTER
30 HEARING, ACCEPT A RENEWAL APPLICATION FILED WITHIN TWO YEARS

1 AFTER THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED FEES
2 UPON THE PAYMENT OF AN ADDITIONAL FILING FEE OF TWO HUNDRED
3 FIFTY DOLLARS (\$250.00) FOR LATE FILING. WHERE ANY SUCH RENEWAL
4 APPLICATION IS FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION
5 DATE, OR SUBSEQUENT TO THE EXPIRATION DATE, NO LICENSE SHALL
6 ISSUE UPON THE FILING OF THE RENEWAL APPLICATION UNTIL THE
7 MATTER IS FINALLY DETERMINED BY THE BOARD AND IF AN APPEAL IS
8 TAKEN FROM THE BOARD'S ACTION THE COURTS SHALL NOT ORDER THE
9 ISSUANCE OF THE RENEWAL LICENSE UNTIL FINAL DETERMINATION OF THE
10 MATTER BY THE COURTS. THE BOARD MAY ENTER INTO AN AGREEMENT WITH
11 THE APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE
12 IN QUESTION. IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN
13 AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT.
14 FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT WILL BE
15 SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER SECTION
16 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER THIS SECTION. A
17 RENEWAL APPLICATION WILL NOT BE CONSIDERED FILED UNLESS
18 ACCOMPANIED BY THE REQUISITE FILING AND LICENSE FEES AND ANY
19 ADDITIONAL FILING FEE REQUIRED BY THIS SECTION. UNLESS THE BOARD
20 SHALL HAVE GIVEN TEN DAYS' PREVIOUS NOTICE TO THE APPLICANT OF
21 OBJECTIONS TO THE RENEWAL OF HIS LICENSE, BASED UPON VIOLATION
22 BY THE LICENSEE OR HIS SERVANTS, AGENTS OR EMPLOYES OF ANY OF
23 THE LAWS OF THE COMMONWEALTH OR REGULATIONS OF THE BOARD
24 RELATING TO THE MANUFACTURE, TRANSPORTATION, USE, STORAGE,
25 IMPORTATION, POSSESSION OR SALE OF LIQUORS, ALCOHOL OR MALT OR
26 BREWED BEVERAGES, OR THE CONDUCT OF A LICENSED ESTABLISHMENT, OR
27 UNLESS THE APPLICANT HAS BY HIS OWN ACT BECOME A PERSON OF ILL
28 REPUTE, OR UNLESS THE PREMISES DO NOT MEET THE REQUIREMENTS OF
29 THIS ACT OR THE REGULATIONS OF THE BOARD, THE LICENSE OF A
30 LICENSEE SHALL BE RENEWED. NOTWITHSTANDING ANY OTHER PROVISION

1 OF THIS ACT, A NOISE VIOLATION SHALL NOT BE THE SOLE BASIS FOR
2 OBJECTION BY THE BOARD TO THE RENEWAL OF A LICENSE UNLESS THE
3 LICENSEE HAS RECEIVED SIX PRIOR ADJUDICATED NOISE CITATIONS
4 WITHIN A TWENTY-FOUR-MONTH PERIOD.

5 (2) AN APPLICATION FOR VALIDATION OR RENEWAL OF A
6 RESTAURANT, CLUB OR CATERING CLUB LICENSE HELD BY A VOLUNTEER
7 FIRE COMPANY, INCORPORATED UNIT OF A NATIONAL VETERANS'
8 ORGANIZATION OR AN AFFILIATED ORGANIZATION OF AN INCORPORATED
9 UNIT OF A NATIONAL VETERANS' ORGANIZATION, AFFILIATED
10 ORGANIZATION OF AN INCORPORATED UNIT OF A NATIONAL VETERANS'
11 ORGANIZATION OR AFFILIATED ORGANIZATION OF A NATIONAL VETERANS'
12 ASSOCIATION SHALL NOT BE SUBJECT TO THE SEVEN HUNDRED DOLLAR
13 (\$700.00) SURCHARGE UNDER PARAGRAPH (1).

14 * * *

15 SECTION 2 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

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