

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1617** Session of
2019

INTRODUCED BY STAATS, CAUSER, ROTHMAN, YOUNGBLOOD, STEPHENS,
DOWLING, RADER, JAMES, PYLE, OTTEN, MALAGARI, EVERETT,
MACKENZIE, SAINATO, GAYDOS, JOZWIAK, FARRY, IRVIN, STRUZZI
AND WHEELAND, JUNE 11, 2019

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 21, 2019

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 general provisions applying to both liquor and malt and
18 brewed beverages, further providing for limiting number of
19 retail licenses to be issued in each county.

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

22 Section 1. Section 461(c) of the act of April 12, 1951
23 (P.L.90, No.21), known as the Liquor Code, is amended by adding
24 a clause to read:

25 Section 461. Limiting Number of Retail Licenses To Be Issued

1 In Each County.--* * *

2 (c) The word "hotel" as used in this section shall mean any
3 reputable place operated by a responsible person of good
4 reputation where the public may, for a consideration, obtain
5 sleeping accommodations, and which shall have the following
6 number of bedrooms and requirements in each case--at least one-
7 half of the required number of bedrooms shall be regularly
8 available to transient guests seven days weekly, except in
9 resort areas; at least one-third of such bedrooms shall be
10 equipped with hot and cold water, a lavatory, commode, bathtub
11 or shower and a clothes closet; and an additional one-third of
12 the total of such required rooms shall be equipped with lavatory
13 and commode:

14 * * *

15 (9.2) For two years after the effective date of this clause,
16 upon application to the board and payment of a fee of ~~twenty~~ <--
17 ~~five~~ THIRTY thousand dollars ~~(\$25,000)~~ (\$30,000) by a hotel <--
18 licensee, the board shall convert a hotel license under clause
19 (8) of this subsection for a hotel licensee that applied for an
20 exemption under clause (9) or (9.1) of this subsection before
21 January 1, 2019, to a restaurant license without regard to the
22 quota restrictions set forth in subsection (a). This clause
23 shall not apply to a hotel license with a pending objection by
24 the director of the Bureau of Licensing or the board under
25 section 470(a.1) until the application for renewal of the hotel
26 license is approved. This clause shall not apply to hotel
27 licenses in a city of the first class. An application to
28 transfer a restaurant license that was converted from a hotel
29 license under this clause in accordance with section 404 within
30 five years after the board received the application for the

1 restaurant license shall be subject to a fee of twenty-five per
2 centum (25%) or ~~twenty-five~~ THIRTY thousand dollars ~~(\$25,000)~~ <--
3 (\$30,000), whichever is greater, of the transactional cost for <--
4 the transfer of the restaurant license. TO BE PAID BY THE SELLER <--
5 OF THE LICENSE. AS USED IN THIS PARAGRAPH, THE TERM
6 "TRANSACTIONAL COST" SHALL MEAN THE COST OF THE RESTAURANT
7 LICENSE.

8 * * *

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