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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2900 Session of  
2020

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INTRODUCED BY BURNS, T. DAVIS, SANCHEZ, READSHAW AND KORTZ,  
OCTOBER 2, 2020

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, OCTOBER 2, 2020

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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, liquor, alcohol and malt and brewed  
18 beverages, further providing for authority to issue liquor  
19 licenses to hotels, restaurants and clubs, for license  
20 districts, license period and hearings and for issuance,  
21 transfer or extension of hotel, restaurant and club liquor  
22 licenses, providing for license database, further providing  
23 for malt and brewed beverages retail licenses, for limiting  
24 number of retail licenses to be issued in each county and for  
25 hearings upon refusal of licenses, renewals or transfers and  
26 appeals, and repealing provisions relating to license  
27 auction.

28 The General Assembly of the Commonwealth of Pennsylvania

29 hereby enacts as follows:

30 Section 1. Sections 401(a) and 402(a) and (b) of the act of

1 April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are  
2 amended to read:

3 Section 401. Authority to Issue Liquor Licenses to Hotels,  
4 Restaurants and Clubs.--(a) Subject to the provisions of this  
5 act and regulations promulgated under this act, the board shall  
6 have authority to issue a retail liquor license for any premises  
7 kept or operated by a hotel, restaurant or club and specified in  
8 the license entitling the hotel, restaurant or club to purchase  
9 liquor from a Pennsylvania Liquor Store and to keep on the  
10 premises such liquor and, subject to the provisions of this act  
11 and the regulations made thereunder, to sell the same and also  
12 malt or brewed beverages to guests, patrons or members for  
13 consumption on the hotel, restaurant or club premises. Such  
14 licensees, other than clubs, shall be permitted to sell malt or  
15 brewed beverages for consumption off the premises where sold in  
16 quantities of not more than one hundred ninety-two fluid ounces  
17 in a single sale to one person as provided for in section 407.  
18 Such licenses for premises kept or operated by a hotel or  
19 restaurant shall be known as [hotel liquor licenses,] restaurant  
20 liquor licenses, and such licenses for premises kept or operated  
21 by a club shall be known as club liquor licenses[,  
22 respectively].

23 (a.1) Beginning January 1, 2020:

24 (1) The board may not issue a new hotel liquor license or  
25 transfer a hotel liquor license to a new location.

26 (2) A hotel that seeks a retail liquor license must make  
27 application for a restaurant liquor license.

28 (3) A hotel shall not be eligible for an eating place  
29 license.

30 (4) A hotel may be issued a restaurant liquor license from

1 within the same county or, if the hotel is located in a county  
2 with a county retail ratio below the Statewide retail range, may  
3 be issued a restaurant liquor license from a county with a  
4 retail ratio above the Statewide retail range as long as neither  
5 county has exceeded the limit for annual license transfers. For  
6 purposes of this clause, "county retail ratio" shall have the  
7 meaning given to it under section 461(d.1), and "Statewide  
8 retail range" shall have the meaning given to it under section  
9 461(g.1).

10 (5) This subsection shall not apply to hotels licensed prior  
11 to January 1, 2020.

12 (a.2) No person who holds any public office that involves  
13 the duty to enforce any of the penal laws of the United States,  
14 this Commonwealth or of any political subdivision of this  
15 Commonwealth may have any interest in a hotel or restaurant  
16 liquor license. This prohibition applies to anyone with arrest  
17 authority, including, but not limited to, United States  
18 attorneys, State attorneys general, district attorneys, sheriffs  
19 and police officers. This prohibition shall also apply to  
20 magisterial district judges, judges or any other individuals who  
21 can impose a criminal sentence. This prohibition does not apply  
22 to members of the General Assembly, township supervisors, city  
23 councilpersons, mayors without arrest authority and any other  
24 public official who does not have the ability to arrest or the  
25 ability to impose a criminal sentence. This section does not  
26 apply if the proposed premises are located outside the  
27 jurisdiction of the individual in question.

28 \* \* \*

29 Section 402. License Districts; License Period; Hearings.--

30 (a) The board shall hold hearings on applications for licenses

1 and renewals thereof, as it deems necessary, at such times as it  
2 shall fix for the purpose of hearing testimony for and against  
3 applications for new licenses and renewals thereof. The board  
4 shall hold a hearing on any application for a new [hotel,] club  
5 or restaurant liquor license or the transfer of any such license  
6 to a new location, upon the request of any person with standing  
7 to testify under subsection (b) if the request is filed with the  
8 board within the first fifteen days of posting of the notice of  
9 application pursuant to section 403(g). The board may provide  
10 for the holding of such hearings by hearing examiners learned in  
11 the law, to be appointed by the Governor, who shall not be  
12 subject to the act of August 5, 1941 (P.L.752, No.286), known as  
13 the "Civil Service Act." Such hearing examiners shall make a  
14 report to the board in each case with their recommendations. The  
15 board may fix the license period for each separate license so  
16 that the expiration dates shall be staggered as to the State.

17 (b) Where a hearing is held in the case of an application  
18 for a new [hotel,] club or restaurant liquor license or an  
19 application for the transfer of a [hotel,] club or restaurant  
20 liquor license to a new location, the board shall permit  
21 residents residing within a radius of five hundred feet of the  
22 premises to testify at the hearing. The board and any hearing  
23 examiner thereof shall give appropriate evidentiary weight to  
24 any testimony of such residents given at the hearing.

25 \* \* \*

26 Section 2. Section 404(a) of the act, amended June 5, 2020  
27 (P.L.213, No.29), is amended to read:

28 Section 404. Issuance, Transfer or Extension of Hotel,  
29 Restaurant and Club Liquor Licenses.--(a) Upon receipt of the  
30 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 may enter into an agreement with the  
14 applicant concerning additional restrictions on the license in  
15 question. If the board and the applicant enter into such an  
16 agreement, such agreement shall be binding on the applicant.  
17 Failure by the applicant to adhere to the agreement will be  
18 sufficient cause to form the basis for a citation under section  
19 471 and for the nonrenewal of the license under section 470. If  
20 the board enters into an agreement with an applicant concerning  
21 additional restrictions, those restrictions shall be binding on  
22 subsequent holders of the license until the license is  
23 transferred to a new location or until the board enters into a  
24 subsequent agreement removing those restrictions. If the  
25 application in question involves a location previously licensed  
26 by the board, then any restrictions imposed by the board on the  
27 previous license at that location shall be binding on the  
28 applicant unless the board enters into a new agreement  
29 rescinding those restrictions. The board may, in its discretion,  
30 refuse an application for an [economic development license under

1 section 461(b.1) or an application for an] intermunicipal  
2 transfer of a license if the board receives a protest from the  
3 governing body of the receiving municipality. The receiving  
4 municipality of an intermunicipal transfer [or an economic  
5 development license under section 461(b.1)] may file a protest  
6 against the transfer of a license into its municipality, and the  
7 receiving municipality shall have standing in a hearing to  
8 present testimony in support of or against the issuance or  
9 transfer of a license. Upon any opening in any quota, an  
10 application for a new license shall only be filed with the board  
11 for a period of six months following said opening.

12 \* \* \*

13 Section 3. The act is amended by adding a section to read:

14 Section 404.1. License Database.--(a) The board shall  
15 establish and maintain a database on the board's publicly  
16 accessible Internet website that provides the following  
17 information for licenses issued or transferred after January 1,  
18 2020:

19 (1) The license number.

20 (2) The owner's name.

21 (3) The municipality of origin.

22 (4) The receiving municipality, if different.

23 (5) The date of purchase.

24 (6) Purchase price.

25 (b) This section shall apply to the following:

26 (1) The issuance or transfer of a restaurant liquor license,  
27 an eating place retail dispenser license or a club license.

28 (2) The transfer of a hotel license.

29 Section 4. Section 432(d) and (h) of the act, amended June  
30 5, 2020 (P.L.213, No.29), are amended to read:

1 Section 432. Malt and Brewed Beverages Retail Licenses.--\* \*

2 \*

3 (d) The board shall, in its discretion, grant or refuse any  
4 new license, the transfer of any license to a new location or  
5 the extension of an existing license to cover an additional area  
6 if such place proposed to be licensed is within three hundred  
7 feet of any church, hospital, charitable institution, school, or  
8 public playground, or if such new license, transfer or extension  
9 is applied for a place which is within two hundred feet of any  
10 other premises which is licensed by the board. The board shall  
11 refuse any application for a new license, the transfer of any  
12 license to a new location or the extension of an existing  
13 license to cover an additional area if, in the board's opinion,  
14 such new license, transfer or extension would be detrimental to  
15 the welfare, health, peace and morals of the inhabitants of the  
16 neighborhood within a radius of five hundred feet of the place  
17 to be licensed. The board may enter into an agreement with the  
18 applicant concerning additional restrictions on the license in  
19 question. If the board and the applicant enter into such an  
20 agreement, such agreement shall be binding on the applicant.  
21 Failure by the applicant to adhere to the agreement will be  
22 sufficient cause to form the basis for a citation under section  
23 471 and for the nonrenewal of the license under section 470. If  
24 the board enters into an agreement with an applicant concerning  
25 additional restrictions, those restrictions shall be binding on  
26 subsequent holders of the license until the license is  
27 transferred to a new location or until the board enters into a  
28 subsequent agreement removing those restrictions. If the  
29 application in question involves a location previously licensed  
30 by the board, then any restrictions imposed by the board on the



1 previous license at that location shall be binding on the  
2 applicant unless the board enters into a new agreement  
3 rescinding those restrictions. The board shall have the  
4 discretion to refuse a license to any person or to any  
5 corporation, partnership or association if such person, or any  
6 officer or director of such corporation, or any member or  
7 partner of such partnership or association shall have been  
8 convicted or found guilty of a felony within a period of five  
9 years immediately preceding the date of application for the said  
10 license. The board may, in its discretion, refuse an application  
11 for an [economic development license under section 461(b.1) or  
12 an application for an] intermunicipal transfer or a license if  
13 the board receives a protest from the governing body of the  
14 receiving municipality. The receiving municipality of an  
15 intermunicipal transfer [or an economic development license  
16 under section 461(b.1)] may file a protest against the approval  
17 for issuance of a license for economic development or an  
18 intermunicipal transfer of a license into its municipality, and  
19 such municipality shall have standing in a hearing to present  
20 testimony in support of or against the issuance or transfer of a  
21 license. Upon any opening in any quota, an application for a new  
22 license shall only be filed with the board for a period of six  
23 months following said opening.

24 \* \* \*

25 [(h) In a municipality which has approved the granting of  
26 liquor licenses and upon application to the board and payment of  
27 a fee of thirty thousand dollars (\$30,000), the board shall  
28 convert an eating place retail dispensing license to a  
29 restaurant license without regard to the quota restrictions set  
30 forth in section 461(a). The converted restaurant license shall

1 be subject to the provisions of this act governing restaurant  
2 liquor licenses. The provisions of this subsection allowing a  
3 holder of an eating place retail dispensing license to convert  
4 the license to a restaurant liquor license shall only apply to a  
5 license holder whose license is not subject to a pending  
6 objection by the director of the Bureau of Licensing or the  
7 board under section 470(a.1), until the matter is decided. A  
8 conversion under this subsection shall be considered a transfer  
9 or issuance of a new license for the purposes of section 402.  
10 This subsection does not apply to licenses in a city of the  
11 first class.]

12 Section 5. Section 461(a), (b.1), (b.2), (b.3) and (b.4) (1)  
13 (i) of the act, amended July 2, 2019 (P.L.371, No.57) and  
14 November 21, 2019 (P.L.635, No.86), are amended and the section  
15 is amended by adding subsections to read:

16 Section 461. Limiting Number of Retail Licenses To Be Issued  
17 In Each County.--(a) No additional restaurant, eating place  
18 retail dispenser or club licenses shall be issued within a  
19 county [if the total number of restaurant and eating place  
20 retail dispenser licenses is greater than one license for each  
21 three thousand inhabitants in the county] unless the conditions  
22 under subsection (g) are satisfied, except the board may issue  
23 licenses to public venues, performing arts facilities,  
24 continuing care retirement communities, airport restaurants,  
25 municipal golf courses, [hotels,] privately-owned private golf  
26 courses, privately-owned public golf courses, racetracks,  
27 automobile racetracks, nonprimary pari-mutuel wagering  
28 locations, privately-owned ski resorts and to any other entity  
29 which this act specifically exempts from the limitations  
30 provided in this section, and the board may issue a license to a

1 club situated in a borough having a population less than eight  
2 thousand inhabitants which is located in a county of the second  
3 class A whose application is filed on or before February 28,  
4 2001. In addition, the board may issue an eating place retail  
5 dispenser license for on-premises sales only to the owner or  
6 operator of a facility having a minimum of a one-half mile  
7 asphalt track and having a permanent seating capacity of at  
8 least six thousand people used principally for holding  
9 automobile races, regardless of the number of restaurant and  
10 eating place retail dispenser licenses already issued in that  
11 county. When determining the number of restaurant and eating  
12 place retail dispenser licenses issued in a county for the  
13 purposes of this section, licenses exempted from this  
14 limitation, licenses subject to the mixed-use town development  
15 project provisions of this act, licenses subject to the  
16 commercial and mixed-use overlay project provisions of this act,  
17 licenses subject to the tourist development project provisions  
18 of this act [and club licenses] shall not be considered.

19 Inhabitants of dry municipalities shall be considered when  
20 determining the population in a county. Licenses shall not be  
21 issued or transferred into municipalities where such licenses  
22 are prohibited pursuant to local referendum in accordance with  
23 section 472. Licenses approved for intermunicipal transfer may  
24 not be transferred from the receiving municipality for a period  
25 of five years after the date that the licensed premises are  
26 operational in the receiving municipality.

27 [(b.1) The board may issue restaurant and eating place  
28 retail dispenser licenses and renew licenses issued under this  
29 subsection without regard to the quota restrictions set forth in  
30 subsection (a) for the purpose of economic development in a

1 municipality under the following conditions:

2 (1) A license may only be issued under this subsection if  
3 the applicant has exhausted reasonable means for obtaining a  
4 suitable license within the county.

5 (2) The proposed licensed premises must be located within  
6 either of the following:

7 (i) A keystone opportunity zone established under the  
8 authority of the act of October 6, 1998 (P.L.705, No.92), known  
9 as the "Keystone Opportunity Zone and Keystone Opportunity  
10 Expansion Zone Act," or an area designated as an enterprise zone  
11 by the Department of Community and Economic Development.

12 (ii) A municipality in which the issuance of a restaurant or  
13 eating place retail dispenser license has been approved by the  
14 governing body of the municipality for the purpose of local  
15 economic development. Upon request for approval of an economic  
16 development license by an applicant, at least one public hearing  
17 shall be held by the municipal governing body for the purpose of  
18 receiving comments and recommendations of interested individuals  
19 residing within the municipality concerning the applicant's  
20 intent to acquire an economic development license from the  
21 Pennsylvania Liquor Control Board. The governing body shall,  
22 within forty-five days of a request for approval, render a  
23 decision by ordinance or resolution to approve or disapprove the  
24 applicant's request for an economic development license. If the  
25 municipality finds that the issuance of the license would  
26 promote economic development, it may approve the request. A  
27 decision by the governing body of the municipality to deny the  
28 request may not be appealed to the court of common pleas in the  
29 county in which the municipality is located. A copy of the  
30 approval must be submitted with the license application. Failure

1 by the governing body of the municipality to render a decision  
2 within forty-five days of the applicant's request for approval  
3 shall be deemed an approval of the application in terms as  
4 presented unless the governing body has notified the applicant  
5 in writing of their election for an extension of time not to  
6 exceed sixty days. Failure by the governing body of the  
7 municipality to render a decision within the extended time  
8 period shall be deemed an approval of the application in terms  
9 as presented.

10 (3) The board may issue no more than two licenses total in  
11 each county of the first through fourth class and no more than  
12 one license total in each county of the fifth through eighth  
13 class per calendar year.

14 (4) An applicant under this subsection shall be required to  
15 sell food and nonalcoholic beverages equal to fifty per centum  
16 (50%) or more of its combined gross sales of food and alcoholic  
17 beverages.

18 (5) In addition to renewal and license fees provided under  
19 existing law for the type of license issued, an applicant shall  
20 be required to pay an initial application surcharge as follows:

21 (i) Fifty thousand dollars (\$50,000) if the licensed  
22 premises is located in a county of the first through fourth  
23 class.

24 (ii) Twenty-five thousand dollars (\$25,000) if the licensed  
25 premises is located in a county of the fifth through eighth  
26 class.

27 (iii) The initial application surcharge minus a seven  
28 hundred dollar (\$700) processing fee shall be refunded to the  
29 applicant if the board refuses to issue a provisional license  
30 under subsection (b.2). Otherwise, the initial application

1 surcharge minus a seven hundred dollar (\$700) processing fee  
2 shall be credited to The State Stores Fund. The processing fee  
3 shall be treated as an application filing fee as prescribed in  
4 section 614-A(1)(i) of the act of April 9, 1929 (P.L.177,  
5 No.175), known as "The Administrative Code of 1929."

6 (6) A license issued under this subsection and a provisional  
7 license issued under subsection (b.2) shall be nontransferable  
8 with regard to ownership or location.

9 (7) An appeal of the board's decision refusing to grant or  
10 renew a license under this subsection shall not act as a  
11 supersedeas of the decision of the board if the decision is  
12 based, in whole or in part, on the licensee's failure to  
13 demonstrate that its food and nonalcoholic beverages were at  
14 least fifty per centum (50%) of its combined gross sales of food  
15 and alcoholic beverages.

16 (8) A license issued under this subsection may not be  
17 validated or renewed unless the licensee can establish that its  
18 sale of food and nonalcoholic beverages during the license year  
19 immediately preceding application for validation or renewal is  
20 equal to fifty per centum (50%) or more of its food and  
21 alcoholic beverage sales.

22 (b.2) Qualified applicants under subsection (b.1) shall  
23 receive a provisional license for one hundred twenty days,  
24 exclusive of periods of safekeeping. After ninety days from the  
25 date of issuance, the licensee may file an application for a  
26 permanent license. A license shall be issued if the licensee  
27 establishes that for ninety consecutive days from the date of  
28 initial issue its sales of food and nonalcoholic beverages is  
29 equal to at least fifty per centum (50%) of its combined gross  
30 sales of food and alcoholic beverages. Licensees shall not be

1 subject to citation by the Enforcement Bureau for a violation of  
2 the requirement that food and nonalcoholic beverages equal at  
3 least fifty per centum (50%) of the combined gross sales of food  
4 and alcoholic beverages during the provisional licensing period.

5 (b.3) An intermunicipal transfer of a license or issuance of  
6 a license for economic development under subsection (b.1)(2)(i)  
7 must first be approved by the governing body of the receiving  
8 municipality when the total number of existing restaurant liquor  
9 licenses and eating place retail dispenser licenses in the  
10 receiving municipality equal or exceed one license per three  
11 thousand inhabitants. Upon request for approval of an  
12 intermunicipal transfer of a license or issuance of an economic  
13 development license by an applicant, at least one public hearing  
14 shall be held by the municipal governing body for the purpose of  
15 receiving comments and recommendations of interested individuals  
16 residing within the municipality concerning the applicant's  
17 intent to transfer a license into the municipality or acquire an  
18 economic development license from the Pennsylvania Liquor  
19 Control Board. The governing body shall, within forty-five days  
20 of a request for approval, render a decision by ordinance or  
21 resolution to approve or disapprove the applicant's request for  
22 an intermunicipal transfer of a license or issuance of an  
23 economic development license. The municipality may approve the  
24 request. A decision by the governing body of the municipality to  
25 deny the request may not be appealed. A copy of the approval  
26 must be submitted with the license application. The approval  
27 requirement shall not apply to licenses transferred into a tax  
28 increment district created pursuant to the act of July 11, 1990  
29 (P.L.465, No.113), known as the "Tax Increment Financing Act,"  
30 located in a township of the second class that is located within

1 a county of the second class if the district was created prior  
2 to December 31, 2002, and the governing body of the township has  
3 adopted an agreement at a public meeting that consents to the  
4 transfer of licenses into the tax increment district. Failure by  
5 the governing body of the municipality to render a decision  
6 within forty-five days of the applicant's request for approval  
7 shall be deemed an approval of the application in terms as  
8 presented unless the governing body has notified the applicant  
9 in writing of their election for an extension of time not to  
10 exceed sixty days. Failure by the governing body of the  
11 municipality to render a decision within the extended time  
12 period shall be deemed an approval of the application in terms  
13 as presented.]

14 (b.4) (1) Notwithstanding any other provision of this act  
15 to the contrary, the board may approve the transfer of a  
16 restaurant liquor or eating place retail dispenser license from  
17 a city of the first class to a county designated as a second  
18 class A county or a county of the third class for the purpose of  
19 economic development, subject to the following conditions:

20 (i) The application to the board is accompanied by municipal  
21 approval as set forth in subsection [(b.1) (2) (ii)] (c.1) (8).

22 \* \* \*

23 (c.1) (1) Notwithstanding any other provision of this  
24 section to the contrary, the board may approve the transfer of a  
25 restaurant, eating place or club retail liquor license in a  
26 county with a county ratio that is at least five-tenths of a  
27 point above the Statewide retail ratio to another county whose  
28 county ratio is at least forty-six hundredths of a point below  
29 the Statewide retail ratio until such time as each county of  
30 this Commonwealth is within the Statewide retail range. The



1 board may not approve the transfer of a retail license issued in  
2 a county with a ratio within the range to a restaurant, eating  
3 place or club located outside of the county. The following  
4 apply:

5 (i) For the first two years after the effective date of this  
6 subsection, the board may only approve the transfer of a license  
7 between counties for licenses in safekeeping or for a licensee  
8 whose gross annual sales are five hundred thousand dollars  
9 (\$500,000) or less.

10 (ii) For year three after the effective date of this  
11 subsection, and every year thereafter, a transfer of a license  
12 shall not be subject to a gross annual sales amount.

13 (iii) Transfers within a county shall not be subject to  
14 limitations based on safekeeping or a gross sales amount.

15 (2) The board may not approve the application to list for  
16 sale of a license that was listed for sale and not sold unless  
17 three years have elapsed from the date the license was first  
18 listed for sale.

19 (3) The total number of licenses transferred into or out of  
20 a county annually shall not exceed ten per centum (10%) of the  
21 county's total number of licenses eligible for transfer  
22 following the effective date of this subsection.

23 (4) When all counties in this Commonwealth are within the  
24 Statewide retail range, the board shall transmit notice of the  
25 same to the Legislative Reference Bureau for publication in the  
26 Pennsylvania Bulletin and thereafter may not approve the  
27 transfer of a retail license between counties.

28 (5) A licensee that proposes the sale of its license must  
29 submit a form to the board that declares the licensee's intent  
30 to sell and the date the license will be listed for sale. There

1 shall be no limit to the number of licenses listed for sale  
2 annually in an eligible county.

3 (6) Subject to all other licensing conditions, the board  
4 shall approve the transfer of licenses between counties provided  
5 that neither the selling county nor the receiving county has  
6 transferred more than ten per centum (10%) of the number of  
7 licenses eligible for transfer that year.

8 (7) The board shall establish and maintain a database on the  
9 board's publicly accessible Internet website that provides the  
10 the following information:

11 (i) Licenses available for purchase, including contact  
12 information for the seller and encumbrances, if any, that exist  
13 on the license.

14 (ii) The following information relating to license sales  
15 transactions, which may be provided by way of a separate  
16 database:

17 (A) The license number.

18 (B) The owner's name.

19 (C) The county of origin.

20 (D) The number of days on the market.

21 (E) The date of purchase.

22 (F) Purchase price.

23 (G) The receiving county.

24 (8) The transfer of a retail license shall also be subject  
25 to the following:

26 (i) The municipality to which the license is proposed to be  
27 transferred must approve the transfer of the retail license.

28 Upon request for approval of the transfer of the license by an  
29 applicant, at least one public hearing shall be held by the  
30 municipal governing body for the purpose of receiving comments

1 and recommendations of interested individuals residing within  
2 the municipality concerning the applicant's intent to acquire a  
3 license through transfer. The governing body shall, within  
4 forty-five days of a request for approval, render a decision by  
5 ordinance or resolution to approve or disapprove the applicant's  
6 request for the transfer of the license. A decision by the  
7 governing body of the municipality to deny the request may not  
8 be appealed to the court of common pleas in the county in which  
9 the municipality is located. A copy of the approval must be  
10 submitted with the license transfer application. Failure by the  
11 governing body of the municipality to render a decision within  
12 forty-five days of the applicant's request for approval shall be  
13 deemed an approval of the application in terms as presented  
14 unless the governing body has notified the applicant in writing  
15 of its election of an extension of time not to exceed sixty  
16 days. Failure by the governing body of the municipality to  
17 render a decision within the extended time period shall be  
18 deemed an approval of the application in terms as presented.

19 (ii) The issuance or transfer of a license to the applicant  
20 and the proposed location must otherwise be permissible under  
21 the requirements for the issuance of such licenses under this  
22 act.

23 (iii) Should the board approve the transfer, the transferred  
24 license may not be either returned to the board for safekeeping  
25 pursuant to section 474.1 or transferred, until at least five  
26 years have passed from the date that the licensed premises are  
27 operational.

28 (iv) In addition to any other fee prescribed for the  
29 transfer of a license, a fee payable upon the transfer of a  
30 retail license to a restaurant, eating place or club located

1 outside of the county shall be required from the person to whom  
2 such transfer is made. The fee shall be payable to the board in  
3 an amount equivalent to six per centum (6%) of the total amount  
4 of the purchase price of the license.

5 \* \* \*

6 (d.1) "County retail ratio" as used in this section shall  
7 mean the ratio calculated by multiplying the total combined  
8 number of restaurant, eating place and club licenses in the  
9 county by three thousand and dividing the product obtained by  
10 the population of the county. The initial calculation shall be  
11 performed using the total combined number of restaurant, eating  
12 place and club licenses in the county as of December 31, 2017,  
13 and the population of the county as of the two thousand ten  
14 Federal decennial census. The ratio shall be calculated to two  
15 decimal places and recalculated following each Federal decennial  
16 census.

17 \* \* \*

18 (g.1) "Statewide retail range" as used in this section shall  
19 mean one-half points above the Statewide retail ratio to forty-  
20 six hundredths points below the Statewide retail ratio.

21 (g.2) "Statewide retail ratio" as used in this section shall  
22 mean the ratio calculated by averaging the county retail ratios  
23 for all counties in this Commonwealth. The ratio shall be  
24 calculated to two decimal places and recalculated following each  
25 Federal decennial census.

26 \* \* \*

27 Section 6. Section 464 of the act is amended to read:

28 Section 464. Hearings Upon Refusal of Licenses, Renewals or  
29 Transfers; Appeals.--The board may of its own motion, and shall  
30 upon the written request of any applicant for club, hotel or

1 restaurant liquor license, or any applicant for any malt or  
2 brewed beverage license other than a public service license, or  
3 for renewal or transfer thereof, or for the renewal of an  
4 amusement permit, whose application for such license, renewal or  
5 transfer, or the renewal of an amusement permit, has been  
6 refused, fix a time and place for hearing of such application  
7 for license or for renewal or transfer thereof, or the renewal  
8 of an amusement permit, notice of which hearing shall be mailed  
9 to the applicant at the address given in his application. Such  
10 hearing shall be before a hearing examiner designated by the  
11 board. At such hearing, the board shall present its reasons for  
12 its refusal or withholding of license, renewal or transfer  
13 thereof, or its refusal for renewal of an amusement permit. The  
14 applicant may appear in person or by counsel, may cross-examine  
15 the witnesses for the board and may present evidence which shall  
16 likewise be subject to cross-examination by the board. Such  
17 hearing shall be stenographically recorded. The hearing examiner  
18 shall thereafter report, with the examiner's recommendation, to  
19 the board in each case. The board shall thereupon grant or  
20 refuse the license, renewal or transfer thereof or the renewal  
21 of an amusement permit. In considering the renewal of a license  
22 or amusement permit, the board shall not refuse any such renewal  
23 on the basis of the propriety of the original issuance or any  
24 prior renewal of such license or amusement permit. If the board  
25 shall refuse such license, renewal or transfer or the renewal of  
26 an amusement permit, following such hearing, notice in writing  
27 of such refusal shall be mailed to the applicant at the address  
28 given in his application. In all such cases, the board shall  
29 file of record at least a brief statement in the form of an  
30 opinion of the reasons for the ruling or order and furnish a

1 copy thereof to the applicant. Any applicant who has appeared at  
2 any hearing, as above provided, who is aggrieved by the refusal  
3 of the board to issue any such license or to renew or transfer  
4 any such license or to issue or renew any amusement permit may  
5 appeal, or any church, hospital, charitable institution, school  
6 or public playground located within three hundred feet of the  
7 premises applied for, aggrieved by the action of the board in  
8 granting the issuance of any such license or the transfer of any  
9 such license, may take an appeal limited to the question of such  
10 grievance, within twenty days from date of refusal or grant, to  
11 the court of common pleas of the county in which the premises or  
12 permit applied for is located. If the application is for [an  
13 economic development license under section 461(b.1) or] the  
14 intermunicipal transfer of a license, the governing body of the  
15 municipality receiving the new license or the transferred  
16 license may file an appeal of the board decision granting the  
17 license, within twenty days of the date of the board's decision,  
18 to the court of common pleas of the county in which the proposed  
19 premises is located. Such appeal shall be upon petition of the  
20 aggrieved party, who shall serve a copy thereof upon the board,  
21 whereupon a hearing shall be held upon the petition by the court  
22 upon ten days' notice to the board. The said appeal shall act as  
23 a supersedeas unless upon sufficient cause shown the court shall  
24 determine otherwise. The court shall hear the application de  
25 novo on questions of fact, administrative discretion and such  
26 other matters as are involved, at such time as it shall fix, of  
27 which notice shall be given to the board. The court shall either  
28 sustain or over-rule the action of the board and either order or  
29 deny the issuance of a new license or the renewal or transfer of  
30 the license or the renewal of an amusement permit to the

1 applicant.

2 Section 7. Section 470.3 of the act is repealed:

3 [Section 470.3. License Auction.--(a) A restaurant liquor  
4 license shall become available for auction by the board under  
5 the following conditions:

6 (1) the license has not been renewed under section 470;

7 (2) the license has been revoked under section 471; or

8 (3) the licensee has failed to meet the requirements under  
9 474.1.

10 (a.1) (1) Subsection (a) shall apply to all restaurant  
11 liquor licenses that became available after December 31, 1999.

12 (2) Any licenses not sold shall be available for sale at  
13 future auctions, provided, however, that no more than fifty  
14 licenses shall be auctioned in any county per year.

15 (b) A license becomes available for auction by the board the  
16 day after the deadline has passed for appealing a decision  
17 revoking or not renewing the license or the day after the two-  
18 year window to file a renewal application nunc pro tunc under  
19 section 470 has passed.

20 (f) A person who would be precluded from acquiring a license  
21 under sections 411 or 443 or who, in the board's opinion is not  
22 of good repute, may not apply for a license under this section  
23 and the board shall refuse any applications submitted by the  
24 person.

25 (g) The auction shall be conducted in the manner set forth  
26 by the board and at the date and time appointed by the board.  
27 After the auction, the board shall provisionally award to the  
28 person making the highest bid for the license, the right to file  
29 an application for the license. The board shall not accept a bid  
30 lower than twenty-five thousand dollars (\$25,000).

1 (h) The winning bidder shall pay to the board the bid amount  
2 within two weeks. Payment shall be by cashier's check, certified  
3 check or any other method acceptable to the board. If the  
4 winning bidder does not pay the bid amount within two weeks, the  
5 second highest bidder shall be awarded the right to file an  
6 application for the license, so long as the bid amount is in  
7 accordance with subsection (g). The board shall hold the bid  
8 amount in escrow until the license is approved.

9 (i) Within six months of being awarded the license, the  
10 bidder or its assignee shall file an application to transfer the  
11 license. The application shall be processed in the same manner  
12 as any other transfer application and shall be subject to the  
13 same restrictions as any other transfer application, including  
14 any conditional licensing agreements and county quota  
15 restrictions under section 461. The board shall only approve the  
16 transfer of a license under this section to a municipality,  
17 other than the municipality it last operated in, upon approval  
18 by the governing body of the municipality.

19 (j) Once a license has become available as set forth in this  
20 section, it may no longer be subject to any unpaid fines,  
21 unserved suspensions, liens or judgments accrued by the previous  
22 license holder. A winning bidder under this section shall not be  
23 required to supply any information about or secure any  
24 information from the previous license holder during the  
25 application process.

26 (k) A license acquired under this section may subsequently  
27 be transferred subject to any restrictions that would otherwise  
28 be applicable to the transfer of the license.]

29 Section 8. This act shall take effect immediately.