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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 896 Session of 2019

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INTRODUCED BY REGAN, MARTIN, YAW, MENSCH, BREWSTER, J. WARD,  
SCARNATI, KEARNEY, BROWNE AND KILLION, OCTOBER 15, 2019

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REFERRED TO LAW AND JUSTICE, OCTOBER 15, 2019

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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 for liquor, alcohol and malt and  
18 brewed beverages, further providing for license auction.

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

21 Section 1. Section 470.3(a.1)(2), (h) and (k) of the act of  
22 April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are  
23 amended and the section is amended by adding a subsection to  
24 read:

25 Section 470.3. License Auction.--\* \* \*

26 (a.1) \* \* \*

1 (2) [Any licenses not sold shall be available for sale at  
2 future auctions, provided, however, that no] No more than fifty  
3 licenses shall be auctioned in any county per year.

4 \* \* \*

5 (h) [The winning bidder shall pay to the board the bid amount  
6 within two weeks. Payment] Within six months of being awarded a  
7 license, payment shall be by cashier's check, certified check or  
8 any other method acceptable to the board. If the winning bidder  
9 does not pay the bid amount within [two weeks] six months, the  
10 second highest bidder shall be awarded the right to file an  
11 application for the license, so long as the bid amount is in  
12 accordance with subsection (g). [The board shall hold the bid  
13 amount in escrow until the license is approved.]

14 \* \* \*

15 (k) A license acquired under this section may subsequently  
16 be transferred subject to any restrictions that would otherwise  
17 be applicable to the transfer of the license[.], unless the  
18 license was awarded in an excess auction under subsection (l). A  
19 license awarded in an excess auction and subsequently  
20 transferred to a different county than the county of origination  
21 may not be transferred from the receiving municipality for a  
22 period of five years after the date the licensed premises are  
23 operational.

24 (l) A license not receiving a bid at an initial auction  
25 shall be eligible to be bid upon at the discretion of the board  
26 and awarded at an excess auction as follows:

27 (1) the board shall hold one excess auction every calendar  
28 year;

29 (2) the license shall be awarded to the highest bidder in  
30 any county, regardless of the original location of the licensed

1 premises. No more than one license shall be awarded per county  
2 in an excess auction;

3 (3) the winning bidder may transfer the license without  
4 regard to the restrictions under section 461(a) upon approval  
5 from the governing body of the municipality where the license  
6 will be transferred; and

7 (4) a request to transfer the winning license to a different  
8 county shall be made in writing to the board and shall be  
9 subject to an application fee of twenty-five thousand dollars  
10 (\$25,000).

11 Section 2. This act shall take effect immediately.