

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 476 Session of 2021

INTRODUCED BY DEASY, McNEILL, SNYDER, LONGIETTI, NEILSON,
CIRESI, MALAGARI, PISCIOTTANO AND DELLOSO, FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 9, 2021

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 and liquor, alcohol and malt and
18 brewed beverages, further providing for surrender of club
19 licenses for benefit of licensees and for surrender of
20 restaurant, eating place retail dispenser, hotel, importing
21 distributor and distributor license for benefit of licensee.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. Section 474 of the act of April 12, 1951 (P.L.90,
25 No.21), known as the Liquor Code, is repealed:

26 [Section 474. Surrender of Club Licenses for Benefit of
27 Licensees.--Whenever a club license has been returned to the

1 board for the benefit of the licensee due to the licensed
2 establishment not having been in operation for any reason
3 whatsoever for a period of time not exceeding fifteen days, the
4 license shall be held by the board for the benefit of the
5 licensee for a period of time not exceeding one year, or, upon
6 proper application to the board, for an additional year, and the
7 license shall be revoked at the termination of the period, and
8 transfer of the license shall not be permitted after the
9 termination of the period.]

10 Section 2. Section 474.1 heading, (a) and (g) of the act are
11 amended to read:

12 Section 474.1. Surrender of Restaurant, Eating Place Retail
13 Dispenser, Hotel, Club, Catering Club, Importing Distributor and
14 Distributor License for Benefit of Licensee.--(a) A restaurant,
15 eating place retail dispenser, hotel, club, catering club,
16 importing distributor and distributor licensee whose licensed
17 establishment is not in operation for fifteen consecutive days
18 shall return its license for safekeeping with the board no later
19 than at the expiration of the fifteen-day period. The license
20 may only be reissued from safekeeping in the manner set forth by
21 the board through regulation.

22 * * *

23 (g) (1) A licensee whose license is subject to this section
24 may, upon written request, apply to the board to allow the
25 license to remain in safekeeping for an additional one year. The
26 written request must be accompanied by a ten thousand dollar
27 (\$10,000) fee for licenses placed in safekeeping from counties
28 of the first class, second class, second class A, third class
29 and fourth class and a fee of five thousand dollars (\$5,000) for
30 licenses placed in safekeeping from counties of the fifth

1 through eighth classes[.], except that the fees for clubs and
2 catering clubs shall be five thousand dollars (\$5,000) for
3 licenses placed in safekeeping from counties of the first class,
4 second class, second class A, third class and fourth class and
5 two thousand five hundred dollars (\$2,500) for licenses placed
6 in safekeeping from counties of the fifth through eighth
7 classes. For each subsequent year in safekeeping, the fees set
8 forth in this paragraph shall be doubled over the amount charged
9 for the previous year's fee. No fee shall be required if the
10 licensee can prove that he or she is unable to use the license
11 through no fault of his or her own, including a fire, flood or
12 other event, which includes the inability to obtain an occupancy
13 permit for the licensed premises from a municipality, that
14 renders the licensed premises unusable. Factors such as another
15 business operating at the licensed premises, the licensed
16 business being no longer viable or other similar circumstances
17 shall not justify a fee waiver. The board shall approve the
18 request unless the license or licensee no longer meets the
19 requirements of this act or the board's regulations. The fee
20 collected shall be paid into the State Treasury through the
21 Department of Revenue into the State Store Fund.

22 (2) (Reserved).

23 Section 3. This act shall take effect in 60 days.