
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 664 Session of
2021

INTRODUCED BY HERSHEY, FEE, GILLEN, GLEIM, HILL-EVANS, JAMES,
KERWIN, MILLARD, PASHINSKI, PICKETT, ROTHMAN, ROWE, RYAN AND
ZIMMERMAN, FEBRUARY 26, 2021

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 26, 2021

AN ACT

1 Amending Titles 53 (Municipalities Generally) and 68 (Real and
2 Personal Property) of the Pennsylvania Consolidated Statutes,
3 in preemptions, providing for businesses operated by minors;
4 and, in general provisions relating to planned communities,
5 providing for businesses operated by minors.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 53 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 306. Businesses operated by minors.

11 (a) Restrictions on licenses and permits.--Notwithstanding
12 any other provision of law:

13 (1) a municipality or an agency of a municipality may
14 not require a license for a business that is:

15 (i) operated on an occasional basis by a minor; and

16 (ii) located a sufficient distance, as determined by
17 the municipality, from a commercial entity required to
18 obtain a license from the municipality or an agency of
19 the municipality to prevent the minor's business from

1 becoming a direct economic competitor of the commercial
2 entity.

3 (2) A municipality may not prohibit a business operated
4 by a minor from operating in a primarily residential zone or
5 unzoned area in the municipality.

6 (b) Construction.--Nothing in this section may be construed
7 to prohibit a municipality from enacting and enforcing local
8 laws relating to the manner in which a business may be operated
9 by a minor, with the exception of a requirement that the minor
10 obtain a permit or license prior to operating the business.

11 (c) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

14 "Business."

15 (1) An enterprise that is:

16 (i) Exclusively owned by one or more minors
17 receiving not more than \$10,000 in net proceeds per year
18 from the the enterprise.

19 (ii) Carried on for the purpose of gain or economic
20 profit.

21 (2) The term does not include:

22 (i) An act of an employee rendering services to an
23 employer.

24 (ii) An enterprise organized as a form of for-profit
25 corporation, limited liability partnership or company
26 under the provisions of 15 Pa.C.S. (relating to
27 corporations and unincorporated associations).

28 "License." A license or permit required by a municipality to
29 temporarily or permanently offer sale of goods or provision of
30 services or otherwise operate an enterprise in the municipality.

1 This term does not include a building permit.

2 "Minor." A person under 18 years of age.

3 "Municipality." A county, city, borough, incorporated town,
4 township or home rule municipality.

5 "Occasional basis." A business that does not operate more
6 than 84 days in a calendar year.

7 Section 2. Title 68 is amended by adding a section to read:
8 § 5115. Businesses operated by minors.

9 (a) Restrictions on licenses.--Notwithstanding any other
10 provision of law, an association or an agency of an association
11 may not require license for a business that is operated on an
12 occasional basis by a minor.

13 (b) Construction.--Nothing in this section may be construed
14 to:

15 (1) Prohibit an association from enacting and enforcing
16 association rules relating to the manner in which a business
17 may be conducted by a minor, with the exception of a
18 requirement that the minor obtain a license prior to engaging
19 in a business.

20 (2) Void provisions of bylaws or declarations adopted in
21 accordance with law prior to the effective date of this
22 section.

23 (c) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Business." An enterprise carried on for the purpose of gain
27 or economic profit. The term does not include an act of an
28 employee rendering services to an employer.

29 "License." A license or permit required by an association to
30 temporarily or permanently offer sale of goods or provision of

1 services or otherwise operate an enterprise in the municipality
2 in which the association is located.

3 "Minor." A person under 18 years of age.

4 "Occasional basis." A business that does not operate more
5 than 84 days in a calendar year.

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