

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

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 24, 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 BUSINESS licenses and permits.-- <--

12 Notwithstanding any other provision of law:

13 (1) a municipality or an agency of a municipality may
14 not require a BUSINESS 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 BUSINESS license from the municipality or an <--

1 agency of the municipality to prevent the minor's
2 business from becoming a direct economic competitor of
3 the commercial entity.

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

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

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

16 "Business."

17 (1) An enterprise that is:

18 (i) Exclusively owned by one or more minors
19 receiving not more than ~~\$10,000~~ \$5,000 in net proceeds <--
20 per year from the ~~the~~ enterprise UNLESS THE ENTERPRISE IS <--
21 CREATED FOR A CHARITABLE PURPOSE.

22 (ii) Carried on for the purpose of gain or economic
23 profit.

24 (2) The term does not include:

25 (i) An act of an employee rendering services to an
26 employer.

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

1 "License." "BUSINESS LICENSE." A license or permit required <--
2 by a municipality to temporarily or permanently offer sale of
3 goods or provision of services or otherwise operate an
4 enterprise in the municipality. This term does not include a
5 building permit.

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

7 "Municipality." A county, city, borough, incorporated town,
8 township or home rule municipality.

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

11 Section 2. Title 68 is amended by adding a section to read:
12 § 5115. Businesses operated by minors.

13 (a) Restrictions on licenses.--Notwithstanding any other
14 provision of law, an association or an agency of an association
15 may not require A license for a business that is operated on an <--
16 occasional basis by a minor.

17 (b) Construction.--Nothing in this section may be construed
18 to:

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

24 (2) Void provisions of bylaws or declarations adopted in
25 accordance with law prior to the effective date of this
26 section.

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

30 "Business." An enterprise carried on for the purpose of gain

1 or economic profit. The term does not include an act of an
2 employee rendering services to an employer.

3 "License." A license or permit required by an association to
4 temporarily or permanently offer sale of goods or provision of
5 services or otherwise operate an enterprise in the municipality
6 in which the association is located.

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

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

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