

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1497 Session of 2021

INTRODUCED BY JONES, MOUL, ZIMMERMAN, NEILSON, ROTHMAN, DOWLING, PUSKARIC, HERSHEY AND ROWE, MAY 26, 2021

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 15, 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 RENEWAL OF LICENSES <--
19 AND TEMPORARY PROVISIONS FOR LICENSEES IN ARMED SERVICE AND
20 for rights of municipalities preserved.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 ~~Section 1. Section 493.1(e)(1) and (2) of the act of April <--~~
24 ~~12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended~~
25 ~~to read:~~

26 SECTION 1. SECTION 470(A)(1) OF THE ACT OF APRIL 12, 1951 <--

1 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, AMENDED JUNE 5, 2020
2 (P.L.213, NO.29), IS AMENDED TO READ:

3 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
4 LICENSEES IN ARMED SERVICE.--(A) (1) ALL APPLICATIONS FOR
5 VALIDATION OR RENEWAL OF LICENSES UNDER THE PROVISIONS OF THIS
6 ARTICLE SHALL BE FILED AT LEAST SIXTY DAYS BEFORE THE EXPIRATION
7 DATE OF SAME, ALONG WITH TAX CLEARANCE FROM THE DEPARTMENT OF
8 REVENUE AND THE DEPARTMENT OF LABOR AND INDUSTRY, THE REQUISITE
9 LICENSE AND FILING FEES, AND, EXCEPT AS PROVIDED UNDER PARAGRAPH
10 (2), SHALL INCLUDE AN APPLICATION SURCHARGE OF SEVEN HUNDRED
11 DOLLARS (\$700.00): PROVIDED, HOWEVER, THAT THE BOARD, IN ITS
12 DISCRETION, MAY ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION FILED
13 LESS THAN SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE LICENSE
14 WITH THE REQUIRED FEES, UPON REASONABLE CAUSE SHOWN AND THE
15 PAYMENT OF AN ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS
16 (\$100.00) FOR LATE FILING: AND PROVIDED FURTHER, THAT EXCEPT
17 WHERE THE FAILURE TO FILE A RENEWAL APPLICATION ON OR BEFORE THE
18 EXPIRATION DATE HAS CREATED A LICENSE QUOTA VACANCY AFTER SAID
19 EXPIRATION DATE WHICH HAS BEEN FILLED BY THE ISSUANCE OF A NEW
20 LICENSE, AFTER SUCH EXPIRATION DATE, BUT BEFORE THE BOARD HAS
21 RECEIVED A RENEWAL APPLICATION NUNC PRO TUNC WITHIN THE TIME
22 PRESCRIBED HEREIN THE BOARD, IN ITS DISCRETION, MAY, AFTER
23 HEARING, ACCEPT A RENEWAL APPLICATION FILED WITHIN TWO YEARS
24 AFTER THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED FEES
25 UPON THE PAYMENT OF AN ADDITIONAL FILING FEE OF TWO HUNDRED
26 FIFTY DOLLARS (\$250.00) FOR LATE FILING. WHERE ANY SUCH RENEWAL
27 APPLICATION IS FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION
28 DATE, OR SUBSEQUENT TO THE EXPIRATION DATE, NO LICENSE SHALL
29 ISSUE UPON THE FILING OF THE RENEWAL APPLICATION UNTIL THE
30 MATTER IS FINALLY DETERMINED BY THE BOARD AND IF AN APPEAL IS

1 TAKEN FROM THE BOARD'S ACTION THE COURTS SHALL NOT ORDER THE
2 ISSUANCE OF THE RENEWAL LICENSE UNTIL FINAL DETERMINATION OF THE
3 MATTER BY THE COURTS. THE BOARD MAY ENTER INTO AN AGREEMENT WITH
4 THE APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE
5 IN QUESTION. IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN
6 AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT.
7 FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT WILL BE
8 SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER SECTION
9 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER THIS SECTION. A
10 RENEWAL APPLICATION WILL NOT BE CONSIDERED FILED UNLESS
11 ACCOMPANIED BY THE REQUISITE FILING AND LICENSE FEES AND ANY
12 ADDITIONAL FILING FEE REQUIRED BY THIS SECTION. UNLESS THE BOARD
13 SHALL HAVE GIVEN TEN DAYS' PREVIOUS NOTICE TO THE APPLICANT OF
14 OBJECTIONS TO THE RENEWAL OF HIS LICENSE, BASED UPON VIOLATION
15 BY THE LICENSEE OR HIS SERVANTS, AGENTS OR EMPLOYEES OF ANY OF
16 THE LAWS OF THE COMMONWEALTH OR REGULATIONS OF THE BOARD
17 RELATING TO THE MANUFACTURE, TRANSPORTATION, USE, STORAGE,
18 IMPORTATION, POSSESSION OR SALE OF LIQUORS, ALCOHOL OR MALT OR
19 BREWED BEVERAGES, OR THE CONDUCT OF A LICENSED ESTABLISHMENT, OR
20 UNLESS THE APPLICANT HAS BY HIS OWN ACT BECOME A PERSON OF ILL
21 REPUTE, OR UNLESS THE PREMISES DO NOT MEET THE REQUIREMENTS OF
22 THIS ACT OR THE REGULATIONS OF THE BOARD, THE LICENSE OF A
23 LICENSEE SHALL BE RENEWED. NOTWITHSTANDING ANY OTHER PROVISION
24 OF THIS ACT, A NOISE VIOLATION SHALL NOT BE THE SOLE BASIS FOR
25 OBJECTION BY THE BOARD TO THE RENEWAL OF A LICENSE UNLESS THE
26 LICENSEE HAS RECEIVED [SIX] THREE PRIOR ADJUDICATED NOISE
27 CITATIONS WITHIN A TWENTY-FOUR-MONTH PERIOD.

28 * * *

29 SECTION 2. SECTION 493.1(E)(1) AND (2) OF THE ACT ARE
30 AMENDED AND THE SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO

1 READ:

2 Section 493.1. Rights of Municipalities Preserved.--* * *

3 (e) (1) Notwithstanding any other provision of law to the
4 contrary EXCEPT AS PROVIDED UNDER PARAGRAPH (3), the holder of a <--
5 [limited winery] license under this act that is located in a
6 class 2A through 8 county may use or permit to be used inside or
7 outside of the licensed premises a loudspeaker or similar device
8 whereby the sound of music or other entertainment, or the
9 advertisement thereof, does not exceed 75 decibels beyond the
10 licensee's property line.

11 (2) The provisions of [subsection (a)] paragraph (1) shall
12 only apply:

13 (i) From ten o'clock antemeridian until [eight] ~~ten~~ NINE <--
14 o'clock postmeridian on every day except Fridays and Saturdays;
15 and

16 (ii) From ten o'clock antemeridian until [ten] twelve
17 o'clock [postmeridian] antemeridian on Fridays or Saturdays.

18 * * *

19 (4) THE BUREAU OF LIQUOR CONTROL ENFORCEMENT OF THE <--
20 PENNSYLVANIA STATE POLICE SHALL ENFORCE THE PROVISIONS OF THIS
21 SUBSECTION.

22 Section 2 3. This act shall take effect in 60 days. <--