

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1212 Session of 2022

INTRODUCED BY PHILLIPS-HILL, REGAN AND J. WARD, MAY 3, 2022

REFERRED TO LAW AND JUSTICE, MAY 3, 2022

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 470(a)(1) of the act of April 12, 1951
 24 (P.L.90, No.21), known as the Liquor Code, amended June 5, 2020
 25 (P.L.213, No.29), is amended to read:

26 Section 470. Renewal of Licenses; Temporary Provisions for
 27 Licensees in Armed Service.--(a) (1) All applications for

1 validation or renewal of licenses under the provisions of this
2 article shall be filed at least sixty days before the expiration
3 date of same, along with tax clearance from the Department of
4 Revenue and the Department of Labor and Industry, the requisite
5 license and filing fees, and, except as provided under paragraph
6 (2), shall include an application surcharge of seven hundred
7 dollars (\$700.00): Provided, however, That the board, in its
8 discretion, may accept nunc pro tunc a renewal application filed
9 less than sixty days before the expiration date of the license
10 with the required fees, upon reasonable cause shown and the
11 payment of an additional filing fee of one hundred dollars
12 (\$100.00) for late filing: And provided further, That except
13 where the failure to file a renewal application on or before the
14 expiration date has created a license quota vacancy after said
15 expiration date which has been filled by the issuance of a new
16 license, after such expiration date, but before the board has
17 received a renewal application nunc pro tunc within the time
18 prescribed herein the board, in its discretion, may, after
19 hearing, accept a renewal application filed within two years
20 after the expiration date of the license with the required fees
21 upon the payment of an additional filing fee of two hundred
22 fifty dollars (\$250.00) for late filing. Where any such renewal
23 application is filed less than sixty days before the expiration
24 date, or subsequent to the expiration date, no license shall
25 issue upon the filing of the renewal application until the
26 matter is finally determined by the board and if an appeal is
27 taken from the board's action the courts shall not order the
28 issuance of the renewal license until final determination of the
29 matter by the courts. The board may enter into an agreement with
30 the applicant concerning additional restrictions on the license

1 in question. If the board and the applicant enter into such an
2 agreement, such agreement shall be binding on the applicant.
3 Failure by the applicant to adhere to the agreement will be
4 sufficient cause to form the basis for a citation under section
5 471 and for the nonrenewal of the license under this section. A
6 renewal application will not be considered filed unless
7 accompanied by the requisite filing and license fees and any
8 additional filing fee required by this section. Unless the board
9 shall have given ten days' previous notice to the applicant of
10 objections to the renewal of his license, based upon violation
11 by the licensee or his servants, agents or employes of any of
12 the laws of the Commonwealth or regulations of the board
13 relating to the manufacture, transportation, use, storage,
14 importation, possession or sale of liquors, alcohol or malt or
15 brewed beverages, or the conduct of a licensed establishment, or
16 unless the applicant has by his own act become a person of ill
17 repute, or unless the premises do not meet the requirements of
18 this act or the regulations of the board, the license of a
19 licensee shall be renewed. Notwithstanding any other provision
20 of this act, a noise violation shall not be the sole basis for
21 objection by the board to the renewal of a license unless the
22 licensee has received [six] three prior adjudicated noise
23 citations within a twenty-four-month period.

24 * * *

25 Section 2. Section 493.1(e)(1) and (2) of the act are
26 amended and the subsection is amended by adding a paragraph to
27 read:

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

29 (e) (1) Notwithstanding any other provision of law to the
30 contrary except as provided under paragraph (3), the holder of a

1 [limited winery] license under this act that is located in a
2 class 2A through 8 county may use or permit to be used inside or
3 outside of the licensed premises a loudspeaker or similar device
4 whereby the sound of music or other entertainment, or the
5 advertisement thereof, does not exceed 75 decibels beyond the
6 licensee's property line.

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

9 (i) From ten o'clock antemeridian until [eight] nine o'clock
10 postmeridian on every day except Fridays and Saturdays; and

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

13 * * *

14 (4) The Bureau of Liquor Control Enforcement of the
15 Pennsylvania State Police shall enforce the provisions of this
16 subsection.

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