

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1212 Session of 2022

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

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 30, 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 MALT AND BREWED <--
19 BEVERAGES MANUFACTURERS', DISTRIBUTORS' AND IMPORTING
20 DISTRIBUTORS' LICENSES, for renewal of licenses and temporary
21 provisions for licensees in armed service and for rights of
22 municipalities preserved.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

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

1 SECTION 1. SECTION 431(B) OF THE ACT OF APRIL 12, 1951
2 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED TO READ:

3 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
4 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--* * *

5 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
6 APPLIES THEREFOR, AND PAYS THE LICENSE FEE HEREINAFTER
7 PRESCRIBED, A DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE
8 FOR THE PLACE WHICH SUCH PERSON DESIRES TO MAINTAIN FOR THE SALE
9 OF MALT OR BREWED BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES
10 WHERE SOLD, AND IN QUANTITIES OF NOT LESS THAN A CASE OR
11 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES
12 OR MORE WHICH MAY BE SOLD SEPARATELY AS PREPARED FOR THE MARKET
13 BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE. IN ADDITION, A
14 DISTRIBUTOR LICENSE HOLDER MAY SELL MALT OR BREWED BEVERAGES IN
15 ANY AMOUNT TO A PERSON NOT LICENSED BY THE BOARD FOR OFF-
16 PREMISES CONSUMPTION. THE SALES SHALL NOT BE REQUIRED TO BE IN
17 THE PACKAGE CONFIGURATION DESIGNATED BY THE MANUFACTURER AND MAY
18 BE SOLD IN REFILLABLE GROWLERS. THE BOARD SHALL HAVE THE
19 DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY
20 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY
21 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR
22 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN
23 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE
24 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID
25 LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW
26 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE
27 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE
28 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN
29 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE
30 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE

1 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED
2 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND
3 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION
4 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW
5 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR
6 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND
7 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF
8 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE
9 BOARD MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING
10 ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION. IF THE BOARD
11 AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT
12 SHALL BE BINDING ON THE APPLICANT. FAILURE BY THE APPLICANT TO
13 ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE
14 BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF
15 THE LICENSE UNDER SECTION 470. IF THE BOARD ENTERS INTO AN
16 AGREEMENT WITH AN APPLICANT CONCERNING ADDITIONAL RESTRICTIONS,
17 THOSE RESTRICTIONS SHALL BE BINDING ON SUBSEQUENT HOLDERS OF THE
18 LICENSE UNTIL THE LICENSE IS TRANSFERRED TO A NEW LOCATION OR
19 UNTIL THE BOARD ENTERS INTO A SUBSEQUENT AGREEMENT REMOVING
20 THOSE RESTRICTIONS. IF THE APPLICATION IN QUESTION INVOLVES A
21 LOCATION PREVIOUSLY LICENSED BY THE BOARD, THEN ANY RESTRICTIONS
22 IMPOSED BY THE BOARD ON THE PREVIOUS LICENSE AT THAT LOCATION
23 SHALL BE BINDING ON THE APPLICANT UNLESS THE BOARD ENTERS INTO A
24 NEW AGREEMENT RESCINDING THOSE RESTRICTIONS. THE BOARD SHALL
25 REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES UPON
26 WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN SALES OF
27 MALT OR BREWED BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE
28 NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.
29 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
30 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES

1 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
2 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
3 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
4 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
5 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
6 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
7 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
8 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
9 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
10 AUTHORIZED TO STORE AND REPACKAGE MALT OR BREWED BEVERAGES OWNED
11 BY A MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
12 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
13 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY AND
14 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
15 BEEN GRANTED DISTRIBUTION RIGHTS BY THE MANUFACTURER AS PROVIDED
16 HEREIN. THE IMPORTING DISTRIBUTOR SHALL BE PERMITTED TO RECEIVE
17 A FEE FROM THE MANUFACTURER FOR ANY RELATED STORAGE, REPACKAGING
18 OR DELIVERY SERVICES. IN THE CASE OF A BAILEE FOR HIRE HIRED BY
19 A MANUFACTURER, THE HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED:
20 TO RECEIVE, STORE AND REPACKAGE MALT OR BREWED BEVERAGES
21 PRODUCED BY THAT MANUFACTURER FOR SALE BY THAT MANUFACTURER TO
22 IMPORTING DISTRIBUTORS TO WHOM THAT MANUFACTURER HAS GIVEN
23 DISTRIBUTION RIGHTS PURSUANT TO THIS SUBSECTION OR TO PURCHASERS
24 OUTSIDE THIS COMMONWEALTH FOR DELIVERY OUTSIDE THIS
25 COMMONWEALTH; OR TO SHIP TO THAT MANUFACTURER'S STORAGE
26 FACILITIES OUTSIDE THIS COMMONWEALTH. THE BAILEE FOR HIRE SHALL
27 BE PERMITTED TO RECEIVE A FEE FROM THE MANUFACTURER FOR ANY
28 RELATED STORAGE, REPACKAGING OR DELIVERY SERVICES. THE BAILEE
29 FOR HIRE SHALL, AS REQUIRED IN ARTICLE V OF THIS ACT, KEEP
30 COMPLETE AND ACCURATE RECORDS OF ALL TRANSACTIONS, INVENTORY,

1 RECEIPTS AND SHIPMENTS AND MAKE ALL RECORDS AND THE LICENSED
2 AREAS AVAILABLE FOR INSPECTION BY THE BOARD AND FOR THE
3 PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT,
4 DURING NORMAL BUSINESS HOURS.

5 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
6 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
7 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
8 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
9 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
10 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
11 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
12 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
13 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
14 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
15 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO ANY LICENSEE
16 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
17 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
18 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
19 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
20 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS
21 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THEN
22 THE MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT
23 LICENSED PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL
24 AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN THE
25 IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES TO
26 THE DISTRIBUTOR. SHOULD A LICENSEE ACCEPT THE DELIVERY OF MALT
27 OR BREWED BEVERAGES OR TRANSFER MALT OR BREWED BEVERAGES IN
28 VIOLATION OF THIS SECTION, SAID LICENSEE SHALL BE SUBJECT TO A
29 [SUSPENSION OF HIS LICENSE FOR AT LEAST THIRTY DAYS] PENALTY OR
30 SUSPENSION IN ACCORDANCE WITH SECTION 494: PROVIDED, THAT THE

1 IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH
2 PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER IMPORTING
3 DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A WRITTEN
4 AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR SETTING
5 FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO
6 BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY IMPORTING
7 DISTRIBUTOR BY THE MANUFACTURER.

8 NOTWITHSTANDING ANY PROVISION OF THIS ACT, A LICENSEE MAY
9 PICK UP AN ORDER FROM AN IMPORTING DISTRIBUTOR WITHIN TWENTY-
10 FOUR (24) HOURS OF PLACEMENT IF THE ORDER WAS PLACED BY A
11 RESTAURANT, CLUB OR HOTEL LICENSEE OR RETAIL DISPENSER
12 CONSISTENT WITH A PREEXISTING, AGREED-UPON ORDERING PROCESS, BUT
13 IS NOT ABLE TO BE DELIVERED WITHIN THE AGREED-UPON DELIVERY
14 TIME. THE PURCHASE MAY NOT BE FOR MORE THAN TWENTY-ONE (21)
15 CASES OR THREE (3) ONE-HALF BARREL KEGS OF MALT OR BREWED
16 BEVERAGES IN ORIGINAL CONTAINERS. THE PICKUP IS SUBJECT TO AND
17 LIMITED BY AN IMPORTING DISTRIBUTOR'S LABOR AGREEMENTS. A VALID
18 TRANSPORTER-FOR-HIRE IS NOT REQUIRED FOR THE PICK UP OR
19 TRANSPORT TO THE LICENSED PREMISES. THE EMPLOYE OF THE LICENSEE
20 SHALL BE TWENTY-ONE (21) YEARS OF AGE, THE VEHICLE USED SHALL BE
21 MARKED AS REQUIRED BY 40 PA. CODE § 9.22 (RELATING TO
22 IDENTIFICATION OF VEHICLES) AND THE EMPLOYE SHALL RETURN
23 DIRECTLY TO THE LICENSED PREMISES IMMEDIATELY AFTER PICK UP. IF
24 THE PICKUP OF AN ORDER AT AN IMPORTING DISTRIBUTOR IS NOT
25 POSSIBLE, THE ORDER MAY BE PLACED WITH A DISTRIBUTOR SELECTED
26 FROM DISTRIBUTORS THE IMPORTING DISTRIBUTOR IDENTIFIED AS BEING
27 LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED TO THE
28 IMPORTING DISTRIBUTOR. THE PURCHASE SHALL BE CONSIDERED AN
29 EMERGENCY PURCHASE. A LICENSEE ABUSING THE EMERGENCY PROVISIONS
30 CONTAINED IN THIS PARAGRAPH SHALL BE SUBJECT TO PENALTIES OR

1 SUSPENSION IN ACCORDANCE WITH SECTION 494. THE PROVISIONS OF
2 THIS PARAGRAPH SHALL EXPIRE DECEMBER 31, 2027.

3 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
4 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
5 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
6 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
7 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
8 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
9 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
10 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
11 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
12 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
13 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
14 MANUFACTURER. IN ADDITION, THE HOLDER OF A DISTRIBUTOR LICENSE
15 MAY NOT SELL OR DELIVER MALT OR BREWED BEVERAGES TO A LICENSEE
16 WHOSE LICENSED PREMISES IS LOCATED WITHIN THE DESIGNATED
17 GEOGRAPHICAL AREA GRANTED TO AN IMPORTING DISTRIBUTOR OTHER THAN
18 THE IMPORTING DISTRIBUTOR THAT SOLD THE MALT OR BREWED BEVERAGES
19 TO THE DISTRIBUTOR. IF THE LICENSEE PURCHASING THE MALT OR
20 BREWED BEVERAGES FROM THE DISTRIBUTOR LICENSE HOLDER HOLDS
21 MULTIPLE LICENSES OR OPERATES AT MORE THAN ONE LOCATION, THE
22 MALT OR BREWED BEVERAGES MAY NOT BE CONSUMED OR SOLD AT LICENSED
23 PREMISES LOCATED WITHIN THE DESIGNATED GEOGRAPHICAL AREA GRANTED
24 TO AN IMPORTING DISTRIBUTOR OTHER THAN THE IMPORTING DISTRIBUTOR
25 THAT SOLD THE MALT OR BREWED BEVERAGES TO THE DISTRIBUTOR. IF A
26 LICENSEE ACCEPTS THE DELIVERY OF MALT OR BREWED BEVERAGES OR
27 TRANSFERS MALT OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION,
28 THE LICENSEE SHALL BE SUBJECT TO SUSPENSION OF HIS LICENSE FOR
29 AT LEAST THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR
30 HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL

1 OR DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT
2 FIRST HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID
3 SECONDARY IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND
4 CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE
5 TERRITORY GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
6 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
7 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
8 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
9 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
10 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING
11 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
12 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
13 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
14 AFFECTED.

15 * * *

16 SECTION 2. SECTION 470(A) (1) OF THE ACT IS AMENDED TO READ:

17 Section 470. Renewal of Licenses; Temporary Provisions for
18 Licensees in Armed Service.--(a) (1) All applications for
19 validation or renewal of licenses under the provisions of this
20 article shall be filed at least sixty days before the expiration
21 date of same, along with tax clearance from the Department of
22 Revenue and the Department of Labor and Industry, the requisite
23 license and filing fees, and, except as provided under paragraph
24 (2), shall include an application surcharge of seven hundred
25 dollars (\$700.00): Provided, however, That the board, in its
26 discretion, may accept nunc pro tunc a renewal application filed
27 less than sixty days before the expiration date of the license
28 with the required fees, upon reasonable cause shown and the
29 payment of an additional filing fee of one hundred dollars
30 (\$100.00) for late filing: And provided further, That except

1 where the failure to file a renewal application on or before the
2 expiration date has created a license quota vacancy after said
3 expiration date which has been filled by the issuance of a new
4 license, after such expiration date, but before the board has
5 received a renewal application nunc pro tunc within the time
6 prescribed herein the board, in its discretion, may, after
7 hearing, accept a renewal application filed within two years
8 after the expiration date of the license with the required fees
9 upon the payment of an additional filing fee of two hundred
10 fifty dollars (\$250.00) for late filing. Where any such renewal
11 application is filed less than sixty days before the expiration
12 date, or subsequent to the expiration date, no license shall
13 issue upon the filing of the renewal application until the
14 matter is finally determined by the board and if an appeal is
15 taken from the board's action the courts shall not order the
16 issuance of the renewal license until final determination of the
17 matter by the courts. The board may enter into an agreement with
18 the applicant concerning additional restrictions on the license
19 in question. If the board and the applicant enter into such an
20 agreement, such agreement shall be binding on the applicant.
21 Failure by the applicant to adhere to the agreement will be
22 sufficient cause to form the basis for a citation under section
23 471 and for the nonrenewal of the license under this section. A
24 renewal application will not be considered filed unless
25 accompanied by the requisite filing and license fees and any
26 additional filing fee required by this section. Unless the board
27 shall have given ten days' previous notice to the applicant of
28 objections to the renewal of his license, based upon violation
29 by the licensee or his servants, agents or employes of any of
30 the laws of the Commonwealth or regulations of the board

1 relating to the manufacture, transportation, use, storage,
2 importation, possession or sale of liquors, alcohol or malt or
3 brewed beverages, or the conduct of a licensed establishment, or
4 unless the applicant has by his own act become a person of ill
5 repute, or unless the premises do not meet the requirements of
6 this act or the regulations of the board, the license of a
7 licensee shall be renewed. Notwithstanding any other provision
8 of this act, a noise violation shall not be the sole basis for
9 objection by the board to the renewal of a license unless the
10 licensee has received [six] three prior adjudicated noise
11 citations within a twenty-four-month period.

12 * * *

13 Section ~~2~~ 3. Section 493.1(e) (1) and (2) of the act are <--
14 amended and the subsection is amended by adding a paragraph to
15 read:

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

17 (e) (1) Notwithstanding any other provision of law to the
18 contrary except as provided under paragraph (3), the holder of a
19 [limited winery] license under this act that is located in a
20 class 2A through 8 county may use or permit to be used inside or
21 outside of the licensed premises a loudspeaker or similar device
22 whereby the sound of music or other entertainment, or the
23 advertisement thereof, does not exceed 75 decibels beyond the
24 licensee's property line.

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

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

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

1 * * *

2 (4) The Bureau of Liquor Control Enforcement of the
3 Pennsylvania State Police shall enforce the provisions of this
4 subsection.

5 Section 3 4. This act shall take effect immediately. <--