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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1096 Session of  
2023

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INTRODUCED BY MALAGARI, McANDREW, MADDEN, SANCHEZ, HILL-EVANS,  
LEADBETER, FREEMAN, BURGOS, HANBIDGE, GUENST AND CEPEDA-  
FREYTIZ, MAY 3, 2023

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 3, 2023

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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 limiting number of  
19 retail licenses to be issued in each county.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 461(c) (9.2) of the act of April 12, 1951  
23 (P.L.90, No.21), known as the Liquor Code, is amended to read:

24 Section 461. Limiting Number of Retail Licenses To Be Issued  
25 In Each County.--\* \* \*

26 (c) The word "hotel" as used in this section shall mean any

1 reputable place operated by a responsible person of good  
2 reputation where the public may, for a consideration, obtain  
3 sleeping accommodations, and which shall have the following  
4 number of bedrooms and requirements in each case--at least one-  
5 half of the required number of bedrooms shall be regularly  
6 available to transient guests seven days weekly, except in  
7 resort areas; at least one-third of such bedrooms shall be  
8 equipped with hot and cold water, a lavatory, commode, bathtub  
9 or shower and a clothes closet; and an additional one-third of  
10 the total of such required rooms shall be equipped with lavatory  
11 and commode:

12 \* \* \*

13 (9.2) For two years after the effective date of this clause,  
14 upon application to the board and payment of a fee of thirty  
15 thousand dollars (\$30,000) by a hotel licensee, the board shall  
16 convert a hotel license under [clause (8)] clauses (8) and (8.1)  
17 of this subsection for a hotel licensee that applied for an  
18 exemption under clause (9) or (9.1) of this subsection before  
19 January 1, [2019] 2024, to a restaurant license without regard  
20 to the quota restrictions set forth in subsection (a). This  
21 clause shall not apply to a hotel license with a pending  
22 objection by the director of the Bureau of Licensing or the  
23 board under section 470(a.1) until the application for renewal  
24 of the hotel license is approved. This clause shall not apply to  
25 hotel licenses in a city of the first class. An application to  
26 transfer a restaurant license that was converted from a hotel  
27 license under this clause in accordance with section 404 within  
28 five years after the board received the application for the  
29 restaurant license shall be subject to a fee of twenty-five per  
30 centum (25%) or thirty thousand dollars (\$30,000), whichever is

1 greater, of the transactional cost for the transfer of the  
2 restaurant license to be paid by the seller of the license. As  
3 used in this paragraph, the term "transactional cost" shall mean  
4 the cost of the restaurant license.

5 \* \* \*

6 Section 2. This act shall take effect in 60 days.