

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 102 Session of 2013

INTRODUCED BY O'BRIEN, HENNESSEY, BROWNLEE, COHEN, D. COSTA, DEASY, DONATUCCI, KORTZ, MURT, NEILSON, READSHAW, SCHLOSSBERG, WATERS AND YOUNGBLOOD, JANUARY 14, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 14, 2013

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as  
 2 reenacted, "An act relating to alcoholic liquors, alcohol and  
 3 malt and brewed beverages; amending, revising, consolidating  
 4 and 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,"  
 17 further providing for enforcement.

18 The General Assembly of the Commonwealth of Pennsylvania  
 19 hereby enacts as follows:

20 Section 1. Section 211(a) of the act of April 12, 1951  
 21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended  
 22 June 29, 1987 (P.L.32, No.14), is amended by adding a paragraph  
 23 to read:

24 Section 211. Enforcement.--(a) There is created within the  
 25 Pennsylvania State Police a Bureau of Liquor Control Enforcement

1 which shall be responsible for enforcing this act and any  
2 regulations promulgated pursuant thereto. Officers and  
3 investigators assigned to the bureau shall have the power and  
4 their duty shall be:

5 \* \* \*

6 (8) Notwithstanding the provisions of section 514, to  
7 suspend immediately the license of any licensed premises for any  
8 of the following reasons:

9 (i) Selling or furnishing liquor, alcohol or malt or brewed  
10 beverages to ten or more minors.

11 (ii) Three or more instances of sales of liquor, alcohol or  
12 malt or brewed beverages during prohibited hours.

13 (iii) Three or more noise violations at the licensed  
14 premises.

15 (iv) Repeated noncompliance with the conditions of a  
16 license.

17 (v) Direct correlation of a homicide to the licensed  
18 premises.

19 Within twenty-four hours after the suspension of a license, the  
20 bureau shall appear before an administrative law judge to  
21 provide evidence of the reasons for the suspension or the  
22 suspension shall be withdrawn. No later than fourteen days after  
23 the suspension, an administrative law judge shall conduct a  
24 hearing on a suspension in accordance with section 514. The  
25 provisions of this paragraph shall not affect the powers of  
26 local enforcement authorities.

27 \* \* \*

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