

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 409 Session of 2013

INTRODUCED BY THOMAS, JANUARY 29, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 29, 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," in
 17 licenses and regulations, further providing for issuance,
 18 transfer or extension of hotel, restaurant and club liquor
 19 licenses.

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

22 Section 1. Section 404 of the act of April 12, 1951 (P.L.90,
 23 No.21), known as the Liquor Code, reenacted and amended June 29,
 24 1987 (P.L.32, No.14) and amended January 6, 2006 (P.L.1, No.1),
 25 is amended to read:

26 Section 404. Issuance, Transfer or Extension of Hotel,
 27 Restaurant and Club Liquor Licenses.--(a) Upon receipt of the

1 application and the proper fees, and upon being satisfied of the
2 truth of the statements in the application that:

3 (1) the applicant is the only person in any manner
4 pecuniarily interested in the business so asked to be licensed
5 and that no other person will be in any manner pecuniarily
6 interested therein during the continuance of the license, except
7 as hereinafter permitted[, and that];

8 (2) the applicant is a person of good repute[, that];

9 (3) the premises applied for meet all the requirements of
10 this act and the regulations of the board[, that];

11 (4) the applicant seeks a license for a hotel, restaurant or
12 club, as defined in this act[, and that]; and

13 (5) the issuance of such license is not prohibited by any of
14 the provisions of this act[.,]

15 the board shall, in the case of a hotel or restaurant, grant and
16 issue to the applicant a liquor license, and in the case of a
17 club may, in its discretion, issue or refuse a license[:
18 Provided, however, That in].

19 (b) In the case of any new license or the transfer of any
20 license to another person, a new location or the extension of an
21 existing license to cover an additional area, the board may, in
22 its discretion, grant or refuse such new license, transfer or
23 extension if:

24 (1) such place proposed to be licensed is within three
25 hundred feet of any church, hospital, charitable institution,
26 school, or public playground[, or if]; or

27 (2) such new license, transfer or extension is applied for a
28 place which is within two hundred feet of any other premises
29 which is licensed by the board[: And provided further, That
30 the].

1 (c) The board's authority to refuse to grant a license
2 [because of its proximity to a church, hospital, charitable
3 institution, public playground or other licensed premises] under
4 subsection (b) (1) shall not be applicable to license
5 applications submitted for public venues or performing arts
6 facilities[: And provided further, That the].

7 (d) The board shall refuse any application for a new
8 license, the transfer of any license to another person, a new
9 location or the extension of an existing license to cover an
10 additional area if, in the board's opinion, such new license,
11 transfer or extension would be detrimental to the welfare,
12 health, peace and morals of the inhabitants of the neighborhood
13 within a radius of five hundred feet of the place proposed to be
14 licensed[: And provided further, That the].

15 (e) The board shall have the discretion to refuse a license
16 to any person or to any corporation, partnership or association
17 if such person, or any officer or director of such corporation,
18 or any member or partner of such partnership or association
19 shall have been convicted or found guilty of a felony within a
20 period of five years immediately preceding the date of
21 application for the said license.

22 (f) The board shall refuse any application for a new
23 license, the transfer of any license to another person, a new
24 location or the extension of any license to cover an additional
25 area where the sale of liquid fuels or oil is conducted.

26 (g) (1) The board may enter into an agreement with the
27 applicant concerning additional restrictions on the license in
28 question. If the board and the applicant enter into such an
29 agreement, such agreement shall be binding on the applicant.

30 (2) Failure by the applicant to adhere to the agreement will

1 be sufficient cause to form the basis for a citation under
2 section 471 and for the nonrenewal of the license under section
3 470.

4 (3) If the board enters into an agreement with an applicant
5 concerning additional restrictions, those restrictions shall be
6 binding on subsequent holders of the license until the license
7 is transferred to another person, a new location or until the
8 board enters into a subsequent agreement removing those
9 restrictions.

10 (4) If the application in question involves a location
11 previously licensed by the board, then any restrictions imposed
12 by the board on the previous license at that location shall be
13 binding on the applicant unless the board enters into a new
14 agreement rescinding those restrictions.

15 (h) The board may, in its discretion, refuse an application
16 for an economic development license under section 461(b.1) or an
17 application for an intermunicipal transfer of a license if the
18 board receives a protest from the governing body of the
19 receiving municipality. The receiving municipality of an
20 intermunicipal transfer or an economic development license under
21 section 461(b.1) may file a protest against the transfer of a
22 license into its municipality, and the receiving municipality
23 shall have standing in a hearing to present testimony in support
24 of or against the issuance or transfer of a license.

25 (i) Upon any opening in any quota, an application for a new
26 license shall only be filed with the board for a period of six
27 months following said opening.

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