

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2225 Session of 2015

INTRODUCED BY J. HARRIS, SIMS, HARHART, COHEN AND SCHWEYER,  
JUNE 28, 2016

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 28, 2016

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; liquor, alcohol and malt and brewed  
 18 beverages, further providing for sales by liquor licensees  
 19 and restrictions and providing for granting of extended use  
 20 permit or permits in certain municipalities; and, in  
 21 disposition of moneys collected under provisions of act,  
 22 further providing for moneys paid into Liquor License Fund  
 23 and returned to municipalities.

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

26 Section 1. Section 406(a) of the act of April 12, 1951  
 27 (P.L.90, No.21), known as the Liquor Code, reenacted and amended  
 28 June 29, 1987 (P.L.32, No.14), is amended by adding a paragraph

1 to read:

2 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

3 \* \* \*

4 (3.2) Hotel, restaurant and club liquor licenses may sell  
5 liquor and malt or brewed beverages beginning at the time of day  
6 as provided under this act until 4 o'clock antemeridian of the  
7 following day upon purchase of an extended use permit from the  
8 board at an annual fee prescribed in section 614-A of "The  
9 Administrative Code of 1929." The board shall transfer fifty per  
10 centum (50%) of the annual fees collected for extended use  
11 permits to the Liquor License Fund for payment to municipalities  
12 pursuant to section 801. The board shall transfer the remaining  
13 fifty per centum (50%) of the annual fees collected for extended  
14 use permits to the State Stores Fund pursuant to section 802.

15 \* \* \*

16 Section 2. The act is amended by adding a section to read:

17 Section 472.6. Granting of Extended Use Permit or Permits in  
18 Certain Municipalities.--(a) The board may issue an extended  
19 use permit or permits to a licensee where a municipality has  
20 granted an extended use permit for the licensed premises.

21 (b) The proposed licensed premises must be located within a  
22 municipality in which the issuance of a hotel, restaurant or  
23 club liquor license has been approved by the governing body of  
24 the municipality for the purpose of an extended use permit or  
25 permits.

26 (c) Upon request for approval of an extended use permit by  
27 an applicant, at least one public hearing shall be held by the  
28 municipal governing body for the purpose of receiving comments  
29 and recommendations of interested individuals residing within  
30 the municipality concerning the applicant's intent to acquire an

1 extended use permit from the Pennsylvania Liquor Control Board.

2 (d) When considering whether to grant an extended use  
3 permit, the municipal governing body shall consider whether the  
4 licensee is in good standing and whether granting the extended  
5 use permit would adversely affect the welfare, health, peace and  
6 morals of the municipality or its residents.

7 (e) The municipal governing body must render a decision  
8 within six months of receipt of a request for approval of an  
9 extended use permit. The failure to render a decision by the  
10 municipal governing body within six months shall be deemed  
11 approval of the permit.

12 Section 3. Section 801(a) and (b) of the act, repealed in  
13 part July 1, 1981 (P.L.143, No.48), are amended to read:

14 Section 801. Moneys Paid Into Liquor License Fund and  
15 Returned to Municipalities.--(a) The following fees collected  
16 by the board under the provisions of this act shall be paid into  
17 the State Treasury through the Department of Revenue into a  
18 special fund to be known as the "Liquor License Fund":

19 (1) License fees for hotel, restaurant and club liquor  
20 licenses.

21 (2) License fees for retail dispensers' (malt and brewed  
22 beverages) licenses.

23 (3) The portion of permit fees for extended use permits  
24 returnable to municipalities under section 406.

25 (b) The moneys in the Liquor License Fund shall, on the  
26 first days of February and August of each year, be paid by the  
27 board to the respective municipalities in which the respective  
28 licensed places are situated, in such amounts as represent the  
29 aggregate license and permit fees collected from licenses and  
30 extended use permits in such municipalities during the preceding

1 period.

2 \* \* \*

3 Section 4. This act shall take effect in 60 days.