

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 924 Session of 2015

INTRODUCED BY LAWRENCE, MASSER, BOBACK, CAUSER, DIAMOND, EVERETT, GABLER, GIBBONS, GILLESPIE, HAHN, HARHAI, HEFFLEY, PHILLIPS-HILL, KAUFER, MALONEY, METZGAR, MILLARD, MUSTIO, NELSON, OBERLANDER, PASHINSKI, RADER, ROAE, SACCONI, SAINATO, SAYLOR, STEPHENS AND WHEELAND, SEPTEMBER 1, 2016

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 1, 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 renewal of licenses and
 19 temporary provisions for licensees in armed service.

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

22 Section 1. Section 470(a) of the act of April 12, 1951
 23 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
 24 June 29, 1987 (P.L.32, No.14) and amended June 8, 2016 (P.L.273,
 25 No.39), is amended to read:

1 Section 470. Renewal of Licenses; Temporary Provisions for
2 Licensees in Armed Service.--(a) All applications for
3 validation or renewal of licenses under the provisions of this
4 article shall be filed with tax clearance from the Department of
5 Revenue and the Department of Labor and Industry and requisite
6 license and filing fees, and shall include an application
7 surcharge of [seven hundred dollars (\$700.00)] two hundred
8 dollars (\$200.00), at least sixty days before the expiration
9 date of same: Provided, however, That the board, in its
10 discretion, may accept nunc pro tunc a renewal application filed
11 less than sixty days before the expiration date of the license
12 with the required fees, upon reasonable cause shown and the
13 payment of an additional filing fee of one hundred dollars
14 (\$100.00) for late filing: And provided further, That except
15 where the failure to file a renewal application on or before the
16 expiration date has created a license quota vacancy after said
17 expiration date which has been filled by the issuance of a new
18 license, after such expiration date, but before the board has
19 received a renewal application nunc pro tunc within the time
20 prescribed herein the board, in its discretion, may, after
21 hearing, accept a renewal application filed within two years
22 after the expiration date of the license with the required fees
23 upon the payment of an additional filing fee of two hundred
24 fifty dollars (\$250.00) for late filing. Where any such renewal
25 application is filed less than sixty days before the expiration
26 date, or subsequent to the expiration date, no license shall
27 issue upon the filing of the renewal application until the
28 matter is finally determined by the board and if an appeal is
29 taken from the board's action the courts shall not order the
30 issuance of the renewal license until final determination of the

1 matter by the courts. The board may enter into an agreement with
2 the applicant concerning additional restrictions on the license
3 in question. If the board and the applicant enter into such an
4 agreement, such agreement shall be binding on the applicant.
5 Failure by the applicant to adhere to the agreement will be
6 sufficient cause to form the basis for a citation under section
7 471 and for the nonrenewal of the license under this section. A
8 renewal application will not be considered filed unless
9 accompanied by the requisite filing and license fees and any
10 additional filing fee required by this section. Unless the board
11 shall have given ten days' previous notice to the applicant of
12 objections to the renewal of his license, based upon violation
13 by the licensee or his servants, agents or employes of any of
14 the laws of the Commonwealth or regulations of the board
15 relating to the manufacture, transportation, use, storage,
16 importation, possession or sale of liquors, alcohol or malt or
17 brewed beverages, or the conduct of a licensed establishment, or
18 unless the applicant has by his own act become a person of ill
19 repute, or unless the premises do not meet the requirements of
20 this act or the regulations of the board, the license of a
21 licensee shall be renewed. Notwithstanding any other provision
22 of this act, a noise violation shall not be the sole basis for
23 objection by the board to the renewal of a license unless the
24 licensee has received six prior adjudicated noise citations
25 within a twenty-four-month period.

26 * * *

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