

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1010 Session of
2011

INTRODUCED BY BISHOP, MURPHY, M. O'BRIEN, STABACK AND THOMAS,
MARCH 14, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 14, 2011

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 issuance, transfer or extension of
18 hotel, restaurant and club liquor licenses.

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

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

25 Section 404. Issuance, Transfer or Extension of Hotel,
26 Restaurant and Club Liquor Licenses.--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 the applicant is
3 the only person in any manner pecuniarily interested in the
4 business so asked to be licensed and that no other person will
5 be in any manner pecuniarily interested therein during the
6 continuance of the license, except as hereinafter permitted, and
7 that the applicant is a person of good repute, that the premises
8 applied for meet all the requirements of this act and the
9 regulations of the board, that the applicant seeks a license for
10 a hotel, restaurant or club, as defined in this act, and that
11 the issuance of such license is not prohibited by any of the
12 provisions of this act, the board shall, in the case of a hotel
13 or restaurant, grant and issue to the applicant a liquor
14 license, and in the case of a club may, in its discretion, issue
15 or refuse a license: Provided, however, That in the case of any
16 new license or the transfer of any license to a new location or
17 the extension of an existing license to cover an additional area
18 the board may, in its discretion, grant or refuse such new
19 license, transfer or extension if such place proposed to be
20 licensed is within three hundred feet of any church, hospital,
21 charitable institution, school, or public playground, or if such
22 new license, transfer or extension is applied for a place which
23 is within two hundred feet of any other premises which is
24 licensed by the board: And provided further, That the board's
25 authority to refuse to grant a license because of its proximity
26 to a church, hospital, charitable institution, public playground
27 or other licensed premises shall not be applicable to license
28 applications submitted for public venues or performing arts
29 facilities: And provided further, That the board shall refuse
30 any application for a new license, the transfer of any license

1 to a new location or the extension of an existing license to
2 cover an additional area if, in the board's opinion, such new
3 license, transfer or extension would be detrimental to the
4 welfare, health, peace and morals of the inhabitants of the
5 neighborhood within a radius of five hundred feet of the place
6 proposed to be licensed: And provided further, That the board
7 shall refuse the transfer of a license to a location where a
8 school is located: And provided further, That the board shall
9 have the discretion to refuse a license to any person or to any
10 corporation, partnership or association if such person, or any
11 officer or director of such corporation, or any member or
12 partner of such partnership or association shall have been
13 convicted or found guilty of a felony within a period of five
14 years immediately preceding the date of application for the said
15 license. The board shall refuse any application for a new
16 license, the transfer of any license to a new location or the
17 extension of any license to cover an additional area where the
18 sale of liquid fuels or oil is conducted. The board may enter
19 into an agreement with the applicant concerning additional
20 restrictions on the license in question. If the board and the
21 applicant enter into such an agreement, such agreement shall be
22 binding on the applicant. Failure by the applicant to adhere to
23 the agreement will be sufficient cause to form the basis for a
24 citation under section 471 and for the nonrenewal of the license
25 under section 470. If the board enters into an agreement with an
26 applicant concerning additional restrictions, those restrictions
27 shall be binding on subsequent holders of the license until the
28 license is transferred to a new location or until the board
29 enters into a subsequent agreement removing those restrictions.
30 If the application in question involves a location previously

1 licensed by the board, then any restrictions imposed by the
2 board on the previous license at that location shall be binding
3 on the applicant unless the board enters into a new agreement
4 rescinding those restrictions. The board may, in its discretion,
5 refuse an application for an economic development license under
6 section 461(b.1) or an application for an intermunicipal
7 transfer of a license if the board receives a protest from the
8 governing body of the receiving municipality. The receiving
9 municipality of an intermunicipal transfer or an economic
10 development license under section 461(b.1) may file a protest
11 against the transfer of a license into its municipality, and the
12 receiving municipality shall have standing in a hearing to
13 present testimony in support of or against the issuance or
14 transfer of a license. Upon any opening in any quota, an
15 application for a new license shall only be filed with the board
16 for a period of six months following said opening.

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