

HB 1048 -- Redline

Printer's No. 3721 to Printer's No. 1211 -- An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations for liquor, alcohol and malt and brewed beverages, further providing for issuance, transfer or extension of hotel, restaurant and club liquor licenses, for sale of malt or brewed beverages by liquor licensees, for wine expanded permits, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages retail licenses, for retail dispensers' restrictions on purchases and sales and for renewal of licenses and temporary provisions for licensees in armed service.

Deletions ~~struck~~ · Insertions underlined

~~SENATE AMENDED PRIOR~~ PRINTER'S NO.

1211 ~~PRINTER'S~~ THE NO. GENERAL ASSEMBLY OF PENNSYLVANIA HOUSE BILL Session of 2019 No.

~~3721~~ INTRODUCED ~~THE~~ BY GENERAL KNOWLES, ASSEMBLY RYAN, OF SNYDER, PENNSYLVANIA QUINN, HOUSE READSHAW, BILL BERNSTINE, Session KAUFFMAN, of CIRESI, No. CAUSER, BARRAR, DUNBAR, MILLARD, RAVENSTAHL, PICKETT, HILL-EVANS, MACKENZIE, CONKLIN, F.

~~1048~~ KELLER, MURT, DeLUCA, JONES, DEASY, FARRY, SAINATO AND KORTZ, APRIL 5, 2019 INTRODUCED REFERRED BY TO KNOWLES, COMMITTEE RYAN, ON SNYDER, LIQUOR QUINN, CONTROL, READSHAW, APRIL BERNSTINE, 5, KAUFFMAN, 2019 CIRESI, AN CAUSER, ACT BARRAR, Amending DUNBAR, the MILLARD, act RAVENSTAHL, of PICKETT, April HILL-EVANS, 12, MACKENZIE, 1951 CONKLIN, (P.L.90, F. No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages;

~~KELLER, MURT, DeLUCA, JONES, DEASY, FARRY, SAINATO, KORTZ, WENTLING, NESBIT, DELLOSO, SAPPEY, MALAGARI, CALTAGIRONE, L, T.~~

~~DAVIS, COX, McNEILL, MULLINS AND KULIK, APRIL 5, 2010 SENATOR STEFANO, LAW AND JUSTICE, IN SENATE, AS AMENDED, MAY 11, 2020 AN ACT Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages;~~

~~regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons duties engaged of or the employed Pennsylvania therein; Liquor Control Board;~~

~~defining providingnd for the power establishment and duties operation of State liquor stores, for the Pennsylvania payment Liquor of Control certain Board; license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant;~~

~~providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant;~~

~~AMENDING THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED "AN ACT RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES;~~

~~AMENDING, REVISING, CONSOLIDATING AND CHANGING THE LAWS RELATING THERETO;~~

~~REGULATING AND RESTRICTING THE MANUFACTURE, PURCHASE, SALE, POSSESSION, CONSUMPTION, IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING IN BOND, HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED OR EMPLOYED THEREIN;~~

~~DEFINING THE POWERS AND DUTIES OF THE PENNSYLVANIA LIQUOR CONTROL BOARD;~~

~~PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES, FOR THE PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE MUNICIPALITIES AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN NUISANCES AND, IN CERTAIN CASES, FOR SEARCH AND SEIZURE WITHOUT WARRANT;~~

~~PRESCRIBING PENALTIES AND FORFEITURES;~~

~~PROVIDING FOR LOCAL OPTION, AND REPEALING EXISTING LAWS," IN LICENSES AND REGULATIONS FOR LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES, FURTHER PROVIDING FOR RENEWAL OF LICENSES AND TEMPORARY PROVISIONS FOR LICENSEES IN ARMED SERVICE.~~

Section 407 of the act of April 12, 1951 (P.L.90, ~~---~~ No.21), known as the Liquor Code, is amended by adding a subsection to read:

~~SECTION 20190HB1048PN1211 1-~~ 2 -

~~SECTION 470(A) OF THE ACT OF APRIL 12, 1951 ~~---~~ (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED TO READ:~~

~~SECTION 470.~~

~~RENEWAL OF LICENSES;~~

~~TEMPORARY PROVISIONS FOR LICENSEES IN ARMED SERVICE. (A) (1) ALL APPLICATIONS FOR VALIDATION OR RENEWAL OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE FILED AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE OF SAME, ALONG WITH TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE AND THE DEPARTMENT OF~~

~~LABOR AND INDUSTRY [AND], THE REQUISITE LICENSE AND FILING FEES, AND, EXCEPT AS PROVIDED UNDER PARAGRAPH (2), SHALL INCLUDE AN APPLICATION SURCHARGE OF SEVEN HUNDRED DOLLARS (\$700.00)[, AT LEAST SIXTY DAYS BEFORE THE 20100HB1048PN3721 - 2 - EXPIRATION DATE OF SAME];~~

~~PROVIDED, HOWEVER, THAT THE BOARD, IN ITS DISCRETION, MAY ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED FEES, UPON REASONABLE CAUSE SHOWN AND THE PAYMENT OF AN ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR LATE FILING;~~

~~AND PROVIDED FURTHER, THAT EXCEPT WHERE THE FAILURE TO FILE A RENEWAL APPLICATION ON OR BEFORE THE EXPIRATION DATE HAS CREATED A LICENSE QUOTA VACANCY AFTER SAID EXPIRATION DATE WHICH HAS BEEN FILLED BY THE ISSUANCE OF A NEW LICENSE, AFTER SUCH EXPIRATION DATE, BUT BEFORE THE BOARD HAS RECEIVED A RENEWAL APPLICATION NUNC PRO TUNC WITHIN THE TIME PRESCRIBED HEREIN THE BOARD, IN ITS DISCRETION, MAY, AFTER HEARING, ACCEPT A RENEWAL APPLICATION FILED WITHIN TWO YEARS AFTER THE EXPIRATION DATE OF THE LICENSE WITH THE REQUIRED FEES UPON THE PAYMENT OF AN ADDITIONAL FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR LATE FILING.~~

~~WHERE ANY SUCH RENEWAL APPLICATION IS FILED LESS THAN SIXTY DAYS BEFORE THE EXPIRATION DATE, OR SUBSEQUENT TO THE EXPIRATION DATE, NO LICENSE SHALL ISSUE UPON THE FILING OF THE RENEWAL APPLICATION UNTIL THE MATTER IS FINALLY DETERMINED BY THE BOARD AND IF AN APPEAL IS TAKEN FROM THE BOARD'S ACTION THE COURTS SHALL NOT ORDER THE ISSUANCE OF THE RENEWAL LICENSE UNTIL FINAL DETERMINATION OF THE MATTER BY THE COURTS.~~

~~THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE APPLICANT CONCERNING ADDITIONAL RESTRICTIONS ON THE LICENSE IN QUESTION.~~

~~IF THE BOARD AND THE APPLICANT ENTER INTO SUCH AN AGREEMENT, SUCH AGREEMENT SHALL BE BINDING ON THE APPLICANT.~~

~~FAILURE BY THE APPLICANT TO ADHERE TO THE AGREEMENT WILL BE SUFFICIENT CAUSE TO FORM THE BASIS FOR A CITATION UNDER SECTION 471 AND FOR THE NONRENEWAL OF THE LICENSE UNDER THIS SECTION.~~

~~A RENEWAL APPLICATION WILL NOT BE CONSIDERED FILED UNLESS 20100HB1048PN3721 - 3 - ACCOMPANIED BY THE REQUISITE FILING AND LICENSE FEES AND ANY ADDITIONAL FILING FEE REQUIRED BY THIS SECTION.~~

~~UNLESS THE BOARD SHALL HAVE GIVEN TEN DAYS' PREVIOUS NOTICE TO THE APPLICANT OF OBJECTIONS TO THE RENEWAL OF HIS LICENSE, BASED UPON VIOLATION BY THE LICENSEE OR HIS SERVANTS, AGENTS OR EMPLOYEES OF ANY OF THE LAWS OF THE COMMONWEALTH OR REGULATIONS OF THE BOARD RELATING TO THE MANUFACTURE, TRANSPORTATION, USE, STORAGE, IMPORTATION, POSSESSION OR SALE OF LIQUORS, ALCOHOL OR MALT OR BREWED BEVERAGES, OR THE CONDUCT OF A LICENSED ESTABLISHMENT, OR UNLESS THE APPLICANT HAS BY HIS OWN ACT BECOME A PERSON OF ILL REPUTE, OR UNLESS THE PREMISES DO NOT MEET THE REQUIREMENTS OF THIS ACT OR THE REGULATIONS OF THE BOARD, THE LICENSE OF A LICENSEE SHALL BE RENEWED.~~

~~NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A NOISE VIOLATION SHALL NOT BE THE SOLE BASIS FOR OBJECTION BY THE BOARD TO THE RENEWAL OF A LICENSE UNLESS THE LICENSEE HAS RECEIVED SIX PRIOR ADJUDICATED NOISE CITATIONS WITHIN A TWENTY-FOUR MONTH PERIOD.~~

~~(2) AN APPLICATION FOR VALIDATION OR RENEWAL OF A RESTAURANT, CLUB OR CATERING CLUB LICENSE HELD BY A VOLUNTEER FIRE COMPANY, INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION OR AN AFFILIATED ORGANIZATION OF AN INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION, AFFILIATED ORGANIZATION OF AN INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION OR AFFILIATED ORGANIZATION OF A NATIONAL VETERANS' ASSOCIATION SHALL NOT BE SUBJECT TO THE SEVEN HUNDRED DOLLAR (\$700.00) SURCHARGE UNDER PARAGRAPH (1).~~

~~* * * SECTION 2.~~

~~THIS ACT SHALL TAKE EFFECT IN 60 DAYS.~~

~~20100HB1048PN3721 - 4 -~~