

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2068 Session of 2024

INTRODUCED BY BIZZARRO, McNEILL, McANDREW, BERNSTINE, SCHLOSSBERG, SANCHEZ, PROBST, STAATS, HILL-EVANS, MENTZER, HADDOCK, MALAGARI, CERRATO AND GREEN, FEBRUARY 27, 2024

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 4, 2024

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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 and liquor, alcohol and malt and
18 brewed beverages, repealing provisions relating to surrender
19 of club licenses for benefit of licensees and further
20 providing for surrender of restaurant, eating place retail
21 dispenser, hotel, importing distributor and distributor
22 license for benefit of licensee AND FOR PREMISES TO BE <--
23 VACATED BY PATRONS.

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

26 Section 1. Section 474 of the act of April 12, 1951 (P.L.90,
27 No.21), known as the Liquor Code, is repealed:

1 [Section 474. Surrender of Club Licenses for Benefit of
2 Licensees.--Whenever a club license has been returned to the
3 board for the benefit of the licensee due to the licensed
4 establishment not having been in operation for any reason
5 whatsoever for a period of time not exceeding fifteen days, the
6 license shall be held by the board for the benefit of the
7 licensee for a period of time not exceeding one year, or, upon
8 proper application to the board, for an additional year, and the
9 license shall be revoked at the termination of the period, and
10 transfer of the license shall not be permitted after the
11 termination of the period.]

12 ~~Section 2. Section 474.1 heading, (a) and (g) of the act are <--~~
13 ~~amended to read:~~

14 SECTION 2. SECTIONS 474.1 HEADING, (A) AND (G) AND 499(B.1) <--
15 OF THE ACT ARE AMENDED TO READ:

16 Section 474.1. Surrender of Restaurant, Eating Place Retail
17 Dispenser, Hotel, Club, Catering Club, Importing Distributor and
18 Distributor License for Benefit of Licensee.--(a) A restaurant,
19 eating place retail dispenser, hotel, club, catering club,
20 importing distributor and distributor licensee whose licensed
21 establishment is not in operation for fifteen consecutive days
22 shall return its license for safekeeping with the board no later
23 than at the expiration of the fifteen-day period. The license
24 may only be reissued from safekeeping in the manner set forth by
25 the board through regulation.

26 * * *

27 (g) (1) A licensee whose license is subject to this section
28 may, upon written request, apply to the board to allow the
29 license to remain in safekeeping for an additional one year. The
30 written request must be accompanied by a ten thousand dollar

1 (\$10,000) fee for licenses placed in safekeeping from counties
2 of the first class, second class, second class A, third class
3 and fourth class and a fee of five thousand dollars (\$5,000) for
4 licenses placed in safekeeping from counties of the fifth
5 through eighth classes[.], except that the fees for clubs and
6 catering clubs shall be five thousand dollars (\$5,000) for
7 licenses placed in safekeeping from counties of the first class,
8 second class, second class A, third class and fourth class and
9 one thousand dollars (\$1,000) for licenses placed in safekeeping
10 from counties of the fifth through eighth classes. For each
11 subsequent year in safekeeping, the fees set forth in this
12 paragraph shall be doubled over the amount charged for the
13 previous year's fee. No fee shall be required if the licensee
14 can prove that he or she is unable to use the license through no
15 fault of his or her own, including a fire, flood or other event,
16 which includes the inability to obtain an occupancy permit for
17 the licensed premises from a municipality, that renders the
18 licensed premises unusable. Factors such as another business
19 operating at the licensed premises, the licensed business being
20 no longer viable or other similar circumstances shall not
21 justify a fee waiver. The board shall approve the request unless
22 the license or licensee no longer meets the requirements of this
23 act or the board's regulations. The fee collected shall be paid
24 into the State Treasury through the Department of Revenue into
25 the State Store Fund.

26 (2) (Reserved).

27 SECTION 499. PREMISES TO BE VACATED BY PATRONS.--* * *

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28 (B.1) UPON APPLICATION OF ANY CLUB, THE BOARD SHALL ISSUE A
29 CLUB EXTENDED HOURS FOOD PERMIT [FOR A PERIOD OF SIX (6) DAYS
30 DURING THE TERM OF ITS LICENSE]. THE BOARD SHALL ISSUE

1 REGULATIONS GOVERNING TERMS OF THE APPLICATION. THE PERMITS
2 SHALL BE USED SOLELY FOR THE PURPOSE OF SERVING FOOD BETWEEN THE
3 HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK
4 ANTEMERIDIAN. ALL PATRONS OF A LICENSEE SHALL BE REQUIRED TO
5 LEAVE THAT PART OF THE PREMISES HABITUALLY USED FOR THE SERVING
6 OF LIQUOR OR MALT OR BREWED BEVERAGES TO GUESTS OR PATRONS NOT
7 LATER THAN ONE-HALF HOUR AFTER THE TIME THE LICENSEE IS REQUIRED
8 BY THIS ACT TO CEASE SERVING LIQUOR OR MALT OR BREWED BEVERAGES
9 AND SHALL NOT BE PERMITTED TO HAVE ANY PREVIOUSLY SERVED LIQUOR
10 OR MALT OR BREWED BEVERAGES IN THEIR POSSESSION, NOR SHALL THEY
11 BE PERMITTED TO REMOVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
12 BREWED BEVERAGES FROM THAT PART OF THE PREMISES.

13 * * *

14 SECTION 3. ALL REGULATIONS AND PARTS OF REGULATIONS ARE
15 ABROGATED TO THE EXTENT OF ANY INCONSISTENCY WITH THIS ACT.

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

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