

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 38** Session of
2023

INTRODUCED BY MUSTELLO, MARCH 7, 2023

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 7, 2023

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, further providing for applications for
19 hotel, restaurant and club liquor licenses and for
20 application for distributors', importing distributors' and
21 retail dispensers' licenses.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Sections 403(a) and 436(b) of the act of April
25 12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended
26 to read:

27 Section 403. Applications for Hotel, Restaurant and Club
28 Liquor Licenses.--(a) Every applicant for a hotel liquor

1 license, restaurant liquor license or club liquor license or for
2 the transfer of an existing license to another premises not then
3 licensed or to another person shall file a written application
4 with the board in such form and containing such information as
5 the board shall from time to time prescribe, which shall be
6 accompanied by a filing fee and an annual license fee as
7 prescribed in section 614-A of the act of April 9, 1929
8 (P.L.177, No.175), known as "The Administrative Code of 1929."
9 Every such application shall contain a description of that part
10 of the hotel, restaurant or club for which the applicant desires
11 a license and shall set forth such other material information,
12 description or plan of that part of the hotel, restaurant or
13 club where it is proposed to keep and sell liquor as may be
14 required by the regulations of the board. The descriptions,
15 information and plans referred to in this subsection shall show
16 the hotel, restaurant, club, or the proposed location for the
17 construction of a hotel, restaurant or club, at the time the
18 application is made, and shall show any alterations proposed to
19 be made thereto, or the new building proposed to be constructed
20 after the approval by the board of the application for a license
21 or for the transfer of an existing license to another premises
22 not then licensed or to another person. No physical alterations,
23 improvements or changes shall be required to be made to any
24 hotel, restaurant or club, nor shall any new building for any
25 such purpose, be required to be constructed until approval of
26 the application for license or for the transfer of an existing
27 license to another premises not then licensed or to another
28 person by the board. After approval of the application, the
29 licensee shall make the physical alterations, improvements and
30 changes to the licensed premises, or shall construct the new

1 building in the manner specified by the board at the time of
2 approval, and the licensee shall not transact any business under
3 the license until the board has approved the completed physical
4 alterations, improvements and changes to the licensed premises,
5 or the completed construction of the new building as conforming
6 to the specifications required by the board at the time of
7 issuance or transfer of the license, and is satisfied that the
8 establishment is a restaurant, hotel or club as defined by this
9 act. The board may require that all such alterations or
10 construction or conformity to definition be completed within six
11 months from the time of issuance or transfer of the license. The
12 time between the approval of the initial application and
13 issuance of operating authority to the licensee shall be
14 considered as time in safekeeping. Failure to comply with these
15 requirements shall be considered cause for revocation of the
16 license. No such license shall be transferable between the time
17 of issuance or transfer of the license and the approval of the
18 completed alterations or construction by the board and full
19 compliance by the licensee with the requirements of this act,
20 [except in the case of death of the licensee prior to full
21 compliance with all of the aforementioned requirements or unless
22 full compliance is impossible for reasons beyond the licensee's
23 control, in which event, the license may be transferred by the
24 board as provided in this act.] unless the transfer application
25 is accompanied by a surcharge. The surcharge shall be fifteen
26 thousand dollars (\$15,000) if the license is located in a county
27 of the first through third class. The surcharge shall be five
28 thousand dollars (\$5,000) if the license is located in a county
29 of the fourth through eighth class.

30 * * *

1 Section 436. Application for Distributors', Importing
2 Distributors' and Retail Dispensers' Licenses.--Application for
3 distributors', importing distributors' and retail dispensers'
4 licenses, or for the transfer of an existing license to another
5 premises not then licensed or to another person, shall contain
6 or have attached thereto the following information and
7 statements:

8 * * *

9 (b) The particular place for which the license is desired
10 and a detailed description thereof. The description, information
11 and plans referred to in this subsection shall show the premises
12 or the proposed location for the construction of the premises at
13 the time the application is made, and shall show any alterations
14 proposed to be made thereto, or the new building proposed to be
15 constructed after the approval by the board of the application
16 for a license, or for the transfer of an existing license to
17 another premises not then licensed or to another person. No
18 physical alterations, improvements or changes shall be required
19 to be made to any hotel, eating place or club, nor shall any new
20 building for any such purpose be required to be constructed
21 until approval of the application for license or for the
22 transfer of an existing license to another premises not then
23 licensed or to another person by the board. After approval of
24 the application, the licensee shall make the physical
25 alterations, improvements and changes to the licensed premises,
26 or shall construct the new building in the manner specified by
27 the board at the time of approval. The licensee shall not
28 transact any business under the license until the board has
29 approved the completed physical alterations, improvements and
30 changes of the licensed premises or the completed construction

1 of the new building as conforming to the specifications required
2 by the board at the time of issuance or transfer of the license
3 and is satisfied that the premises meet the requirements for a
4 distributor's or importing distributor's license as set forth in
5 this act or that the establishment is an eating place, hotel or
6 club as defined by this act. The board may require that all such
7 alterations or construction or conformity to definition be
8 completed within six months from the time of issuance or
9 transfer of the license. The time between the approval of the
10 initial application and issuance of operating authority to the
11 licensee shall be considered as time in safekeeping. Failure to
12 comply with these requirements shall be considered cause for
13 revocation of the license. No such license shall be transferable
14 between the time of issuance or transfer of the license and the
15 approval of the completed alterations or construction by the
16 board and full compliance by the licensee with the requirements
17 of this act, [except in the case of death of the licensee prior
18 to full compliance with all of the aforementioned requirements
19 or unless full compliance is impossible for reasons beyond the
20 licensee's control, in which event the license may be
21 transferred by the board as provided in this act.] unless the
22 transfer application is accompanied by a surcharge. The
23 surcharge shall be fifteen thousand dollars (\$15,000) if the
24 license is located in a county of the first through third class.
25 The surcharge shall be five thousand dollars (\$5,000) if the
26 license is located in a county of the fourth through eighth
27 class.

28 * * *

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