

No. 175

AN ACT

To further amend section sixteen of the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by providing for the surrendering by persons in military service of licenses granted to them, the renewal thereof by the board during the licensee's continuance in such service, and the renewal thereof thereafter.

"Beverage
License Law."

Section 16, act
of May 3, 1933,
P. L. 252, as
last reenacted
and amended by
act of June 16,
1937, P. L. 1827,
further amended.

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

Section 1. Section sixteen of the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as last reenacted and amended by the act, approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand eight hundred twenty-seven), is hereby further amended to read as follows:

Section 16. *Renewal of Licenses.*—(a) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same, and not thereafter, as provided in board regulations. Unless the applicant shall have been formally notified by the board of objections to the renewal of his license, based upon violation by the licensee, or his servants, agents or em-

ployes, 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 when the applicant shall file with the board a new bond and shall pay the requisite filing fee and license fee specified in this act.

[(c)] (b) In case where a licensee, or his servants, agents or employes are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol, or malt or brewed beverages, and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants, agents or employes have violated any of the aforementioned laws, and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs, or report of violations is received, or revocation proceeding instituted, or about to be instituted, during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license notwithstanding such alleged violations, but such renewal license may be revoked by the board in the manner herein provided for the revocation of licenses, if, and when, the licensee or any of his servants, agents or employes are convicted of, or plead guilty to, violations under the previous license as aforesaid, or, if, and when, such previous license is for any reason revoked.

In the event such renewal license is revoked by the board, neither the license fee paid for such license, nor any part thereof, shall be returned to the licensee, but the license bond filed with the application for such renewal of license shall not be forfeited.

(c) *Notwithstanding anything to the contrary in this section, any individual who holds a retail dispenser (hotel or eating place) license in effect at the time such individual enters the armed forces of the United States of America, may surrender to the Pennsylvania Liquor Control Board, for safekeeping, the said license, and if surrendered, shall furnish the board with documentary evidence as to his entering such armed forces. The Pennsylvania Liquor Control Board shall, without the filing of an application for renewal or surety bond, the payment of filing and license fees, renew the said license from year to year, and hold the same in its possession for the benefit of such licensee. A license so renewed by the board shall to all intents and purposes be considered as in full force and effect, notwithstanding the*

licensee is not exercising the privileges thereunder, and shall be returned to the said licensee at any time within one year from the date of his honorable discharge from the armed forces of the United States, upon the filing of an application therefor, surety bond and payment of the filing and license fees as hereinafter provided. The said application for return of license shall be on a form prescribed by the board, accompanied by a filing fee in the sum of ten dollars (\$10) and the prescribed license fee, except that when such application is filed after a portion of the then current license term has elapsed, the license fee shall be prorated on a monthly basis for the balance of the license year: Provided, however, That the said license shall not be returned if the electors of the municipality in which the licensed establishment is situate have voted against the granting of retail dispenser licenses under the local option provision of this act. In the event the premises originally covered by the license are not available for occupancy by the licensee at the time he files his application for return of license, as hereinbefore provided, he shall be permitted to file an application for transfer of the license to other premises in the same municipality. Such transfer of the license shall be subject to all of the provisions of this act pertaining to the transfer of licenses.

Section 2. This amendment is enacted due to conditions caused by the present war, and the said amendment shall remain in effect only until the termination of the said war, and one year thereafter.

Section 3. All acts and parts of acts, in so far as they are inconsistent with the provisions of this act, are hereby suspended.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 176

AN ACT

To further amend section one of the act, approved the twenty-ninth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred forty-four), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the salary of the treasurer.

Counties of sixth class.

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

Section 1. Section one of the act, approved the twenty-ninth day of June, one thousand nine hundred