

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 556 Session of 2011

INTRODUCED BY PETRI, MURT AND RAPP, FEBRUARY 8, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 8, 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 limiting number of retail licenses to  
 18 be issued in each county.

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

21 Section 1. Section 461(a) of the act of April 12, 1951  
 22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended  
 23 June 29, 1987 (P.L.32, No.14) and amended February 21, 2002  
 24 (P.L.103, No.10), is amended to read:

25 Section 461. Limiting Number of Retail Licenses To Be Issued  
 26 In Each County.--(a) No additional restaurant[,] or eating

1 place retail dispenser [or club] licenses shall be issued within  
2 a county if the total number of restaurant and eating place  
3 retail dispenser licenses is greater than one license for each  
4 three thousand inhabitants in the county, except the board may  
5 issue licenses to public venues, performing arts facilities,  
6 continuing care retirement communities, airport restaurants,  
7 municipal golf courses, hotels, privately-owned private golf  
8 courses, privately-owned public golf courses, racetracks,  
9 automobile racetracks, nonprimary pari-mutuel wagering locations  
10 and to any other entity which this act specifically exempts from  
11 the limitations provided in this section[, and the board may  
12 issue a license to a club situated in a borough having a  
13 population less than eight thousand inhabitants which is located  
14 in a county of the second class A whose application is filed on  
15 or before February 28, 2001]. In addition, the board may issue  
16 an eating place retail dispenser license for on-premises sales  
17 only to the owner or operator of a facility having a minimum of  
18 a one-half mile asphalt track and having a permanent seating  
19 capacity of at least six thousand people used principally for  
20 holding automobile races, regardless of the number of restaurant  
21 and eating place retail dispenser licenses already issued in  
22 that county. When determining the number of restaurant and  
23 eating place retail dispenser licenses issued in a county for  
24 the purposes of this section, licenses exempted from this  
25 limitation and club licenses shall not be considered.  
26 Inhabitants of dry municipalities shall be considered when  
27 determining the population in a county. Licenses shall not be  
28 issued or transferred into municipalities where such licenses  
29 are prohibited pursuant to local referendum in accordance with  
30 section 472. Licenses approved for intermunicipal transfer may

1 not be transferred from the receiving municipality for a period  
2 of five years after the date that the licensed premises are  
3 operational in the receiving municipality.

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