

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1334 Session of
1995INTRODUCED BY CAPPABIANCA, SERAFINI, BEBKO-JONES AND SCRIMENTI,
APRIL 6, 1995AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 22, 1995

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 SPECIAL OCCASION PERMITS AND FOR
18 stadium and restaurant licenses in third class cities. <—

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

21 ~~Section 1. Section 408.9 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), is amended to read:~~

24 SECTION 1. SECTION 408.4 OF THE ACT OF APRIL 12, 1951 <—
25 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED

1 JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED APRIL 29, 1994
2 (P.L.212, NO.30) AND OCTOBER 5, 1994 (P.L.522, NO.77), IS
3 AMENDED TO READ:

4 SECTION 408.4. SPECIAL OCCASION PERMITS.--(A) UPON
5 APPLICATION OF ANY HOSPITAL, CHURCH, SYNAGOGUE, VOLUNTEER FIRE
6 COMPANY, VOLUNTEER AMBULANCE COMPANY, VOLUNTEER RESCUE SQUAD,
7 NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE FOR AT LEAST TEN
8 YEARS, BONA FIDE SPORTSMEN'S CLUB IN EXISTENCE FOR AT LEAST TEN
9 YEARS, NATIONALLY CHARTERED VETERANS' ORGANIZATION AND ANY
10 AFFILIATED LODGE OR SUBDIVISION OF SUCH ORGANIZATION, FRATERNAL
11 BENEFIT SOCIETY THAT IS LICENSED TO DO BUSINESS IN THIS
12 COMMONWEALTH AND ANY AFFILIATED LODGE OR SUBDIVISION OF SUCH
13 FRATERNAL BENEFIT SOCIETY, OR THE AUXILIARY OF ANY OF THE
14 FOREGOING, AND UPON PAYMENT OF THE PRESCRIBED FEE FOR SPECIAL
15 OCCASION PERMITS UNDER SECTION 614-A OF THE ACT OF APRIL 9, 1929
16 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929,"
17 THE BOARD SHALL ISSUE A SPECIAL OCCASION PERMIT GOOD FOR A
18 PERIOD OF NOT MORE THAN FIVE CONSECUTIVE OR NONCONSECUTIVE DAYS:
19 PROVIDED, HOWEVER, THAT THE FIVE NONCONSECUTIVE DAYS SHALL BE
20 USED IN A [THREE-MONTH] TWELVE-MONTH PERIOD MEASURED FROM THE
21 DATE OF THE FIRST DAY. SPECIAL OCCASION PERMITS MAY ALSO BE
22 ISSUED TO A MUSEUM OPERATED BY A NONPROFIT CORPORATION IN A CITY
23 OF THE THIRD CLASS OR TOWNSHIP OF THE FIRST CLASS OR A NONPROFIT
24 CORPORATION ENGAGED IN THE PERFORMING ARTS IN A CITY OF THE
25 THIRD CLASS FOR A PERIOD OF NOT MORE THAN SIX NONCONSECUTIVE OR
26 TEN CONSECUTIVE DAYS AT THE PRESCRIBED FEE FOR SPECIAL OCCASION
27 PERMITS UNDER SECTION 614-A OF "THE ADMINISTRATIVE CODE OF
28 1929."

29 (B) IN ANY CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP IN
30 WHICH THE SALE OF LIQUOR AND/OR MALT OR BREWED BEVERAGES HAS

1 BEEN APPROVED BY THE ELECTORATE, SUCH SPECIAL OCCASION PERMIT
2 SHALL AUTHORIZE THE PERMITTEE TO SELL LIQUOR AND/OR MALT OR
3 BREWED BEVERAGES AS THE CASE MAY BE TO ANY ADULT PERSON ON ANY
4 DAY FOR WHICH THE PERMIT IS ISSUED.

5 (C) SUCH SPECIAL OCCASION PERMIT SHALL ONLY BE VALID FOR THE
6 NUMBER OF DAYS STATED IN THE PERMIT. ONLY ONE PERMIT MAY BE
7 ISSUED TO ANY PERMITTEE DURING THE [YEAR] TWELVE-MONTH PERIOD.
8 PROVIDED, THAT A MUSEUM OPERATED BY A NONPROFIT CORPORATION IN A
9 CITY OF THE THIRD CLASS OR TOWNSHIP OF THE FIRST CLASS AND A
10 NONPROFIT CORPORATION ENGAGED IN THE PERFORMING ARTS IN A CITY
11 OF THE THIRD CLASS MAY BE ISSUED NO MORE THAN SIX PERMITS DURING
12 THE YEAR, EACH PERMIT BEING VALID FOR ONLY ONE DAY, OR IN THE
13 ALTERNATIVE, ONE PERMIT VALID FOR NO MORE THAN A TOTAL OF TEN
14 CONSECUTIVE DAYS PER YEAR, WHICH MAY BE ISSUED ONLY DURING THE
15 MONTH OF AUGUST.

16 (D) SUCH PERMITS SHALL ONLY BE ISSUED FOR USE AT A SPECIAL
17 EVENT INCLUDING, BUT NOT LIMITED TO BAZAARS, PICNICS AND
18 CLAMBAKES. THE SPECIAL EVENT MUST BE ONE WHICH IS USED BY THE
19 PERMITTEE AS A MEANS OF RAISING FUNDS FOR ITSELF.

20 (D.1) THE HOURS DURING WHICH THE HOLDER OF A SPECIAL
21 OCCASION PERMIT MAY SELL LIQUOR OR MALT OR BREWED BEVERAGES
22 SHALL BE LIMITED TO THE HOURS SET FORTH IN SECTION 406 WHICH ARE
23 APPLICABLE TO HOTEL AND RESTAURANT LICENSEES. THE HOURS DURING
24 WHICH A NONPROFIT CORPORATION ENGAGED IN THE PERFORMING ARTS IN
25 A CITY OF THE THIRD CLASS MAY SELL LIQUOR OR MALT OR BREWED
26 BEVERAGES PURSUANT TO A SPECIAL OCCASION PERMIT SHALL BE LIMITED
27 TO THOSE HOURS SET FORTH IN SECTION 408.3(G.1).

28 (D.2) AT LEAST FORTY-EIGHT HOURS PRIOR TO THE SALE OF ANY
29 LIQUOR OR MALT OR BREWED BEVERAGES, THE HOLDER OF A SPECIAL
30 OCCASION PERMIT SHALL NOTIFY THE LOCAL POLICE DEPARTMENT, OR IN

1 THE ABSENCE OF A LOCAL POLICE DEPARTMENT, THE PENNSYLVANIA STATE
2 POLICE, OF THE TIMES WHEN AND PLACE WHERE THE SALE OF LIQUOR OR
3 MALT OR BREWED BEVERAGES SHALL OCCUR.

4 (E) THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE
5 TO ANY LICENSEE NOW OR HEREAFTER POSSESSING A CATERER'S LICENSE,
6 NOR TO ANY PROFESSIONAL FUND RAISER.

7 (F) ANY PERSON SELLING LIQUOR OR MALT OR BREWED BEVERAGES IN
8 VIOLATION OF THIS SECTION SHALL, UPON SUMMARY CONVICTION, BE
9 SENTENCED TO PAY A FINE OF TWO HUNDRED FIFTY DOLLARS (\$250) FOR
10 THE FIRST OFFENSE AND A FINE OF FIVE HUNDRED DOLLARS (\$500) FOR
11 EACH SUBSEQUENT OFFENSE. THIS FINE SHALL BE IN ADDITION TO ANY
12 OTHER PENALTY IMPOSED BY LAW FOR THE ILLEGAL SALE OF MALT OR
13 BREWED BEVERAGES.

14 SECTION 2. SECTION 408.9 OF THE ACT IS AMENDED TO READ:

15 Section 408.9. Stadium and Restaurant Licenses in Third
16 Class Cities.--The board is authorized to issue one restaurant
17 license in any city of the third class for the retail sale of
18 liquor and malt or brewed beverages by the glass, open bottles
19 or other containers, and in any mixture, for consumption in any
20 restaurant which is located not more than one thousand feet from
21 a stadium which has a seating capacity of five thousand persons,
22 situate on the same lot or parcel of land not less than [twenty-
23 five acres] four acres in size with no intervening public
24 thoroughfare between the restaurant and the stadium.

25 Section ~~2~~ 3. This act shall take effect immediately.

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