

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1300 Session of
1977

INTRODUCED BY IRVIS, GREENFIELD, BARBER AND VROON, JUNE 13, 1977

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 13, 1977

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,"
17 further providing for licenses for performing arts
18 facilities.

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

21 Section 1. Section 408.3, act of April 12, 1951 (P.L.90,
22 No.21), known as the "Liquor Code," added March 23, 1972
23 (P.L.122, No.46), is amended to read:

24 Section 408.3. Performing Arts Facilities.--(a) The board
25 is authorized to issue [a license to one nonprofit corporation
26 operating a theater for the performing arts in each city of the

1 first or second class which has] licenses to operators of
2 theaters for the performing arts which have seating
3 accommodations for at least twenty-seven hundred persons except
4 where prohibited by local option for the retail sale of liquor
5 and malt or brewed beverages by the glass, open bottle or other
6 container or in any mixture for consumption in any such theater
7 for the performing arts.

8 (b) The application for a performing arts facility license
9 may be filed at any time by [a nonprofit corporation operating]
10 the operator of such a theater for the performing arts or by a
11 concessionaire selected by such [nonprofit corporation] operator
12 and shall conform with all requirements for restaurant liquor
13 licenses and applications except as may otherwise be provided
14 herein. Applicant shall submit such other information as the
15 board may require. Applications shall be in writing on forms
16 prescribed by the board and shall be signed and submitted to the
17 board by the applicant. The filing fee which shall accompany the
18 license application shall be twenty dollars (\$20).

19 (c) Upon receipt of the application in proper form and the
20 application fee and upon being satisfied that the applicant is
21 of good repute and financially responsible and that the proposed
22 place of business is proper, the board shall issue a license to
23 the applicant.

24 (d) The license shall be issued for the same period of time
25 as provided for restaurant licenses and shall be renewed as
26 provided in section 402. The license shall terminate upon
27 revocation by the board or upon termination of the contract
28 between the concessionaire and such [nonprofit corporation]
29 operator.

30 (e) The annual fee for a performing arts facility shall be

1 six hundred dollars (\$600), and shall accompany the application
2 for the license. Whenever and if a concessionaire's contract
3 terminates the license shall be returned to the board for
4 cancellation and a new license shall be issued to a new
5 applicant.

6 (f) The penal sum of the bond which shall be filed by an
7 applicant for a performing arts facility pursuant to section 465
8 of the "Liquor Code" shall be two thousand dollars (\$2,000).

9 (g) Sales by the holder of a performing arts facility
10 license may be made except to those persons prohibited under
11 clause (1) of section 493 of this act on the premises of such a
12 theater for the performing arts during the hours expressed in
13 the code for the sale of liquor and malt and brewed beverages by
14 restaurant licensees, and the license may be used for such sales
15 on Sundays between the hours of 1:00 P.M. and 10:00 P.M.,
16 irrespective of the volume of food sales.

17 (h) Whenever a contract with a concessionaire is terminated
18 prior to the expiration date provided in the contract between
19 such [nonprofit corporation] operator and the concessionaire,
20 such [nonprofit corporation] operator may select and certify to
21 the board a different concessionaire which concessionaire shall
22 apply to the board for a new license. If the applicant meets the
23 requirements of the board as herein provided a new license shall
24 thereupon be issued. If any such performing arts facility
25 license is revoked, the board shall issue a new license to any
26 qualified applicant without regard to the prohibition in section
27 471, against the grant of a license at the same premises for a
28 period of at least one (1) year.

29 (i) Licenses issued under the provisions of this section
30 shall not be subject to the quota restrictions of section 461 of

1 this act.

2 (j) Performing arts facility licenses shall not be subject
3 to the provisions of section 404 except in so far as they relate
4 to the reputation of the applicant nor to the provisions of
5 sections 461 and 463 nor to the provisions of clause (10) of
6 section 493 of the "Liquor Code."

7 (k) Sales under such licenses (including food sales) may be
8 limited by the licensee to patrons of the events scheduled in
9 the theater of the performing arts. Provided food is offered for
10 sale when sales are made under the license, such food may be
11 catered from off the premises.

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