

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 105

Session of  
1977

INTRODUCED BY NOLAN, MURRAY, ROSS, LEWIS, McKINNEY, MELLOW,  
SCANLON AND SMITH, JANUARY 4, 1977

AS AMENDED ON SECOND CONSIDERATION, JUNE 6, 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 removing certain restrictions relating to sales on election  
18 days.

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

21 Section 1. Subsection (a) of section 406, act of April 12,  
22 1951 (P.L.90, No.21), known as the "Liquor Code," amended June  
23 16, 1975 (P.L.14, No.5), is amended to read:

24 Section 406. Sales by Liquor Licensees; Restrictions.--(a)  
25 Every hotel, restaurant or club liquor licensee may sell liquor  
26 and malt or brewed beverages by the glass, open bottle or other

1 container, and in any mixture, for consumption only in that part  
2 of the hotel or restaurant habitually used for the serving of  
3 food to guests or patrons, and in the case of hotels, to guests,  
4 and in the case of clubs, to members, in their private rooms in  
5 the hotel or club. No club licensee nor its officers, servants,  
6 agents or employes, other than one holding a catering license,  
7 shall sell any liquor or malt or brewed beverages to any person  
8 except a member of the club. In the case of a restaurant located  
9 in a hotel which is not operated by the owner of the hotel and  
10 which is licensed to sell liquor under this act, liquor and malt  
11 or brewed beverages may be sold for consumption in that part of  
12 the restaurant habitually used for the serving of meals to  
13 patrons and also to guests in private guest rooms in the hotel.  
14 For the purpose of this paragraph, any person who is an active  
15 member of another club which is chartered by the same state or  
16 national organization shall have the same rights and privileges  
17 as members of the particular club.

18 Hotel and restaurant liquor licensees, airport restaurant  
19 liquor licensees and municipal golf course restaurant liquor  
20 licensees may sell liquor and malt or brewed beverages only  
21 after seven o'clock antemeridian of any day until two o'clock  
22 antemeridian of the following day, except Sunday, and except as  
23 hereinafter provided, may sell liquor and malt or brewed  
24 beverages on Sunday between the hours of twelve o'clock midnight  
25 and two o'clock antemeridian.

26 Hotel and restaurant liquor licensees, airport restaurant  
27 liquor licensees and municipal golf course restaurant liquor  
28 licensees whose sales of food and nonalcoholic beverages are  
29 equal to forty per centum or more of the combined gross sales of  
30 both food and alcoholic beverages may sell liquor and malt or

1 brewed beverages on Sunday between the hours of one o'clock  
2 postmeridian and two o'clock antemeridian Monday upon purchase  
3 of a special annual permit from the board at a fee of two  
4 hundred dollars (\$200.00) per year, which shall be in addition  
5 to any other license fees.

6 Hotel and restaurant liquor licensees, airport restaurant  
7 liquor licensees and municipal golf course restaurant liquor  
8 licensees which do not qualify for and purchase such annual  
9 special permit, their servants, agents or employes may sell  
10 liquor and malt or brewed beverages only after seven o'clock  
11 antemeridian of any day and until two o'clock antemeridian of  
12 the following day, and shall not sell after two o'clock  
13 antemeridian on Sunday. [No hotel, restaurant and public service  
14 liquor licensee shall sell liquor and malt or brewed beverages  
15 after two o'clock antemeridian on any day on which a general,  
16 municipal, special or primary election is being held until one  
17 hour after the time fixed by law for closing the polls, except,  
18 that, in the case of a special election for members of the  
19 General Assembly or members of the Congress of the United  
20 States, when such special election is held on other than a  
21 primary, municipal or general election day, licensees in those  
22 Legislative or Congressional Districts may make such sales, as  
23 though the day were not a special election day.] No club  
24 licensee or its servants, agents or employes may sell liquor or  
25 malt or brewed beverages between the hours of three o'clock  
26 antemeridian and seven o'clock antemeridian on any day. No  
27 public service liquor licensee or its servants, agents, or  
28 employes may sell liquor or malt or brewed beverages between the  
29 hours of two o'clock antemeridian and seven o'clock antemeridian  
30 on any day.

1 Any hotel, restaurant, club or public service liquor licensee  
2 may, by given notice to the board, advance by one hour the hours  
3 herein prescribed as those during which liquor and malt or  
4 brewed beverages may be sold during such part of the year when  
5 daylight saving time is being observed generally in the  
6 municipality in which the place of business of such licensee is  
7 located. Any licensee who elects to operate his place of  
8 business in accordance with daylight saving time shall post a  
9 conspicuous notice in his place of business that he is operating  
10 in accordance with daylight saving time.

11 Notwithstanding any provisions to the contrary, whenever the  
12 thirty-first day of December falls on a Sunday, every hotel or  
13 restaurant liquor licensee, their servants, agents or employes  
14 may sell liquor and malt or brewed beverages on any such day  
15 after one o'clock postmeridian and until two o'clock  
16 antemeridian of the following day.

17 \* \* \*

18 SECTION 2. CLAUSE (6) OF SECTION 492 OF THE ACT, AMENDED <—  
19 MARCH 5, 1973 (P.L.1, NO.1), IS AMENDED TO READ:

20 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED  
21 BEVERAGES AND LICENSEES.--

22 IT SHALL BE UNLAWFUL--

23 \* \* \*

24 (6) SALES OF MALT OR BREWED BEVERAGES ON ELECTION DAY BY  
25 HOTELS, EATING PLACES OR PUBLIC SERVICE LICENSEES. FOR ANY  
26 HOTEL OR EATING PLACE HOLDING A RETAIL DISPENSER'S LICENSE, OR  
27 ANY MALT OR BREWED BEVERAGE PUBLIC SERVICE LICENSEE, OR HIS  
28 SERVANTS, AGENTS OR EMPLOYES, TO SELL, FURNISH OR GIVE ANY MALT  
29 OR BREWED BEVERAGES TO ANY PERSON AFTER TWO O'CLOCK  
30 ANTEMERIDIAN[, OR UNTIL ONE HOUR AFTER THE TIME FIXED BY LAW FOR <—

1 THE CLOSING OF POLLING PLACES ON DAYS ON WHICH A GENERAL,  
2 MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD EXCEPT AS  
3 PERMITTED BY SUBSECTION (A) OF SECTION 406].

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

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