

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1268

Session of
1981

INTRODUCED BY ANDERSON, CESSAR, F. E. TAYLOR, McCALL, LETTERMAN
AND PRATT, APRIL 22, 1981

AS RE-REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 10, 1981

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 AUTHORIZING SPECIAL OCCASION PERMITS FOR POLITICAL <—
18 ORGANIZATIONS; providing for countywide transfers of licenses
19 and adding definitions.

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

22 SECTION 1. SUBSECTION (A) OF SECTION 408.4, ACT OF APRIL 12, <—
23 1951 (P.L.90, NO.21), KNOWN AS THE "LIQUOR CODE," AMENDED JULY
24 11, 1980 (P.L.558, NO.117), IS AMENDED TO READ:

25 SECTION 408.4. SPECIAL OCCASION PERMITS.--(A) UPON

1 APPLICATION OF ANY HOSPITAL, CHURCH, SYNAGOGUE, VOLUNTEER FIRE
2 COMPANY, BONA FIDE SPORTSMEN'S CLUB IN EXISTENCE FOR AT LEAST
3 TEN YEARS AND UPON PAYMENT OF A FEE [OF FIFTEEN DOLLARS (\$15)
4 PER DAY] AS PROVIDED BY LAW, THE BOARD SHALL ISSUE A SPECIAL
5 OCCASION PERMIT GOOD FOR A PERIOD OF NOT MORE THAN THREE
6 CONSECUTIVE DAYS. SPECIAL OCCASION PERMITS MAY ALSO BE ISSUED TO
7 A MUSEUM OPERATED BY A NONPROFIT CORPORATION IN A CITY OF THE
8 THIRD CLASS OR A NONPROFIT CORPORATION ENGAGED IN THE PERFORMING
9 ARTS IN A CITY OF THE THIRD CLASS FOR A PERIOD OF NOT MORE THAN
10 SIX NONCONSECUTIVE DAYS AT A FEE [OF FIFTEEN DOLLARS (\$15) PER
11 DAY.] AS PROVIDED BY LAW. SPECIAL OCCASION PERMITS MAY ALSO BE
12 ISSUED TO ANY POLITICAL ORGANIZATION FOR A PERIOD OF NOT MORE
13 THAN THREE NONCONSECUTIVE DAYS AT A FEE AS PROVIDED BY LAW.

14 * * *

15 Section ± 2. Subsection (a) of section 468, ~~act of April 12,~~ <—
16 ~~1951 (P.L.90, No.21), known as the "Liquor Code,"~~ OF THE ACT, <—
17 amended June 17, 1971 (P.L.166, No.13), is amended and a
18 subsection is added to read:

19 Section 468. Licenses Not Assignable; Transfers.--(a)
20 Licenses issued under this article may not be assigned. The
21 board, upon payment of the transfer filing fee and the execution
22 of a new bond, is hereby authorized to transfer any license
23 issued by it under the provisions of this article from one
24 person to another or from one place to another, or both, within
25 the same municipality, and if the applicant is a unit of a
26 nonprofit nationally chartered club, the board is hereby
27 authorized to transfer such license to a place in any other
28 municipality within the same county if the sale of liquor or
29 malt and brewed beverages are legal in such other municipality
30 as the board may determine. The board, in its discretion, may

1 transfer an existing restaurant retail dispenser or club license
2 from one municipality to another in the same county regardless
3 of the quota limitations provided for in this act, if sales of
4 liquor or malt and brewed beverages are legal in such other
5 municipality and if the restaurant retail dispenser or club lost
6 the use of the building in which it was located due to
7 governmental exercise of the right of eminent domain and no
8 other suitable building can be found in the first municipality.
9 In the case of distributor and importing distributor licenses,
10 the board may transfer any such license from its place in a
11 municipality to a place in any other municipality within the
12 same county, or from one place to another place within the same
13 municipality, or exchange a distributor license for an importing
14 distributor license or an importing distributor license for a
15 distributor license, if the building for which the license is to
16 be issued has, in the case of an importing distributor license,
17 an area under one roof of two thousand five hundred square feet
18 and, in the case of a distributor license, an area under one
19 roof of one thousand square feet: And provided, That, in the
20 case of all transfers of distributor or importing distributor
21 licenses, whether from a place within the same municipality to
22 another place within the same municipality or from a place in a
23 municipality to a place in any other municipality within the
24 same county, and, in the case of an exchange of a distributor
25 license for an importing distributor license or an importing
26 distributor license for a distributor license, the premises to
27 be affected by the transfer or exchange shall contain an office
28 separate and apart from the remainder of the premises to be
29 licensed for the purpose of keeping records, required by the
30 board, adequate toilet facilities for employes of the licensee

1 and an entrance on a public thoroughfare: Provided, however,
2 That in the event that the majority of the voting electors of a
3 municipality, at an election held under the provisions of any
4 law so empowering them to do, shall vote against the issuance of
5 distributor or importing distributor licenses in such
6 municipality, the board is hereby authorized to transfer any
7 such distributor or importing distributor license from its place
8 in such municipality to a place in any other municipality within
9 the same county, upon application prior to the expiration of any
10 such license and upon payment of the transfer filing fee and the
11 execution of a new bond; but no transfer shall be made to a
12 person who would not have been eligible to receive the license
13 originally nor for the transaction of business at a place for
14 which the license could not lawfully have been issued
15 originally, nor, except as herein provided, to a place as to
16 which a license has been revoked. No license shall be
17 transferred to any place or property upon which is located as a
18 business the sale of liquid fuels and oil. Except in cases of
19 emergency such as death, serious illness, or circumstances
20 beyond the control of the licensee, as the board may determine
21 such circumstances to justify its action, transfers of licenses
22 may be made only at times fixed by the board. In the case of the
23 death of a licensee, the board may transfer the license to the
24 surviving spouse or personal representative or to a person
25 designated by him. From any refusal to grant a transfer or upon
26 the grant of any transfer, the party aggrieved shall have the
27 right of appeal to the proper court in the manner hereinbefore
28 provided.

29 * * *

30 (c) The term "nonprofit nationally chartered club" shall

1 mean any club which does not contemplate pecuniary gain or
2 profit, incidental or otherwise, having a national charter.

3 The term "unit of a nonprofit nationally chartered club"
4 shall mean any post, branch, lodge or other subordinate unit of
5 a nonprofit nationally chartered club.

6 Section 2 3. This act shall take effect in 60 days.

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